

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 336

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 336 entitled:

"A BILL FOR AN ACT RELATING TO THE DEFENSE OF STATE
EMPLOYEES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the State to defend professionally licensed or certified state employees from civil actions or proceedings, under certain circumstances;
- (2) Clarify that the employee may employ their own attorney at the employee's own expense; and
- (3) Establish a process for the Attorney General to transfer or withdraw representation if the Attorney General declines to defend the employee.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 52, AFL-CIO; Hawai'i State Teachers Association; Hawaii State AFL-CIO; and Hawaii Association for Justice.

Your Committees received testimony in opposition to this measure from two individuals.



Your Committees find that it is necessary to clarify the circumstances under which the State has a duty to defend professionally licensed or certified state employees and establish a procedure allowing the Attorney General to confidentially withdraw from representing a professionally licensed or certified state employee. Requiring the Attorney General's withdrawal to be confidential and a court hearing to be conducted on the duty to defend will protect the integrity of legal proceedings, prevent undue financial burdens for state employees, and ensure the State is appropriately carrying out its responsibilities as an employer. This measure will increase legal protections and allow professionally licensed or certified state employees to exercise their professional judgement with confidence.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 336 and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SB 336</i>	Committee Referral: <i>LBT, JDC/WAM</i>	Date: <i>2-26-2025</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	<i>13</i>	<i>0</i>	<i>0</i>	<i>0</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**