

STAND. COM. REP. NO. 1591 -08

Honolulu, Hawaii

A-21, 2008

RE: S.B. No. 3200  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3200, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENTAL RETENTION OF ATTORNEYS,"

begs leave to report as follows:

The purpose of this measure is to establish provisions authorizing the Attorney General (AG) to retain an attorney to represent a state department, including the Legislature and Judiciary, in the event that the AG discloses a conflict and the department does not waive the conflict.

The Judiciary and Office of the Auditor supported this bill. The AG opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting provisions that would have allowed state departments to waive the AG's conflict;
- (2) Requiring the AG to retain an attorney to provide representation to a court or judicial office upon the request of the Chief Justice or designee, or to a legislative office upon the joint request of the Speaker of the House and President of the Senate, if the AG

SB3200 HD1 HSCR JUD HMS 2008-3431

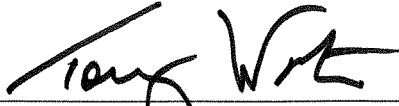


declines to provide representation because of a conflict of interest;

- (3) Removing provisions that would have amended the definition of "department" to include the Legislature and the Judiciary; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3200, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3200, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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TOMMY WATERS, Chair



