

STAND. COM. REP. NO.

2169

Honolulu, Hawaii

FEB 11 2008

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Tourism and Government Operations, to which was referred S.B. No. 3200 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 clarify that an executive department may retain outside attorneys if the State Attorney General discloses a conflict of interest that requires the State Attorney General to decline representation.

Your Committee received testimony in support of this measure from the Judiciary. Testimony in opposition was received from the State Attorney General.

Under this measure, if the State Attorney General discloses a conflict of interest that requires the State Attorney General to decline representation, an executive department may waive the conflict and require the State Attorney General to represent the department. However, if the State Attorney General still declines the representation, then the State Attorney General is required to employ or retain and employ an outside attorney whose selection is subject to the department's approval.

Your Committee has amended this measure by making technical, nonsubstantive amendments.



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

Respectfully submitted on
behalf of the members of the
Committee on Tourism and
Government Operations,

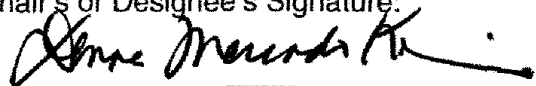
Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Tourism and Government Operations
TSG

| | | |
|---|---|---------------------------------------|
| Bill / Resolution No.:* | Committee Referral: | Date: |
| SB 3200 | TSG, JDL | 2-5-08 |
| <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 type="checkbox"/> Pass, unamended 2312 | <input checked="" type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 |
| <input type="checkbox"/> Recommit 2313 | | |
| Members | Aye | Aye (WR) |
| | Nay | Excused |
| NISHIHARA, Clarence K. (C) | / | |
| KIM, Donna Mercado (VC) | / | |
| TSUTSUI, Shan S. | / | |
| TRIMBLE, Gordon | | / |
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| TOTAL | 3 | 1 |
| Recommendation: | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | |
| Chair's or Designee's Signature: | | |
|  | | |
| Distribution: | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency |
| | | Goldenrod Committee File Copy |

*Only one measure per Record of Votes