

Honolulu, Hawaii  
February 11, 2016

RE: H.B. No. 2286  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2286 entitled:

"A BILL FOR AN ACT RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT EMPLOYEES,"

begs leave to report as follows:

The purpose of this measure is to provide professionally licensed or certified government employees with the same privileges and immunities as other state employees.

The Department of the Attorney General, Department of Accounting and General Services, Department of Transportation, Department of Public Safety, Department of Taxation, Office of the Public Defender, and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure. The Department of Human Resources of the City and County of Honolulu provided comments.

Your Committee notes that concerns were raised in testimony regarding the breadth of the legal immunities provided in this measure. Specifically, questions were raised on whether the scope of the provided immunity conflicts with general notions of protections for government employees, which historically have centered on the exercise of discretionary governmental functions. Should the Committee on Judiciary choose to deliberate on this measure, your Committee respectfully requests that this issue be further examined.

HB2286 HD1 HSCR LAB HMS 2016-1689



Your Committee has amended this measure by changing its effective date to July 1, 2091.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2286, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2286, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: <b>HB2286</b>	Committee Referral: <b>LAB, JVD</b>	Date: <b>2/5/16</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. KEOHOKALOLE, Jarrett (VC)	/			
3. AQUINO, Henry J.C.				/
4. HAR, Sharon E.	/			
5. ICHIYAMA, Linda	/			
6. JOHANSON, Aaron Ling	/			
7. LoPRESTI, Matthew S.		/		
8. SAN BUENAVENTURA, Joy A.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. TUPOLA, Andria P.L.				/
<b>TOTAL (11)</b>	<b>8</b>	<b>1</b>		<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				