

Honolulu, Hawaii
March 18, 2016

RE: S.B. No. 2815
S.D. 2
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 S.B. No. 2815, S.D. 2, 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:

- (1) Clarify that the State is exclusively liable for claims for injury or loss of property, or personal injury or death, resulting from the negligent or wrongful act or omission of any professionally licensed or certified employee of the State while acting within the scope of the employee's office or employment; and
- (2) Preclude any civil action or proceeding for money damages arising out of or related to the same subject matter against the employee.

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



Your Committee has amended this measure by:

- (1) Adding a new section to specify that the counties shall be exclusively liable for the torts of their own professionally licensed or certified employees in the same manner as the State;
- (2) Changing its effective date to July 1, 2091, to encourage further discussion; and
- (3) Making technical nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 2815, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2815, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.

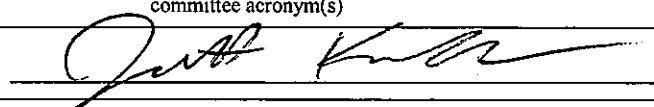
Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB2815 SD2	Committee Referral: LAB, JUD, FIN	Date: 3/15/16		
<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.				/
TOTAL (11)	10			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				