

STAND. COM. REP. NO.

978

Honolulu, Hawaii

MAR 22 2017

RE: H.B. No. 74  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 74, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF ATTORNEYS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow a request to be made by either the Speaker of the House of Representatives or President of the Senate, rather than by a joint request, before the House of Representatives or Senate, respectively, may receive legal representation by an attorney who is retained by the Attorney General because the Attorney General has declined the request due to a conflict of interest.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that existing law allows a legislative office of the State to employ or retain any attorney other than the Attorney General for the purpose of representing the State or the office in any litigation, rendering legal counsel, or drafting legal documents. Past practice has demonstrated that if the Attorney General declines the request for legal representation due to a conflict of interest, the Attorney General is required to retain an attorney for the requesting body or legislative office, subject to the approval of the Speaker of the House of



Representatives or President of the Senate, or both jointly as appropriate. This measure codifies certain language to make it explicitly clear that requests to the Attorney General for legal representation can be made by either the Speaker of the House of Representatives or President of the Senate, rather by a joint request.

Your Committee has amended this measure by inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 74, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 74, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

  
GILBERT S.C. KEITH-AGARAN, Chair



