

Honolulu, Hawaii

FEB 06 2019

RE: S.B. No. 141

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 141 entitled:

"A BILL FOR AN ACT RELATING TO DISCLOSURE OF ATTORNEY-CLIENT AND ATTORNEY WORK-PRODUCT PRIVILEGED COMMUNICATIONS TO THE OMBUDSMAN,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify that disclosure of communications by an agency to the Ombudsman does not waive any existing attorney-client or attorney work-product privilege pertaining to those communications; and
- (2) Prohibit the Ombudsman from disclosing privileged communications to others.

Your Committee received testimony in support of this measure from the Office of the Ombudsman.

Your Committee finds that under existing law, the Ombudsman is authorized to receive information relating to an investigation and is required to maintain secrecy of all matters obtained in an investigation. However, agencies have declined to provide information to the Ombudsman for fear of waiving the agencies' attorney-client privilege or attorney work-product privilege. Without the ability to obtain all relevant information from the



agencies, the Ombudsman is unable to conduct a thorough investigation. This measure allows agencies to freely disclose information to the ombudsman without waiving the agencies' attorney-client privilege and attorney work-product privilege, which will enable the Office of the Ombudsman to obtain information necessary to conduct thorough and complex investigations and give agencies the peace of mind that the Ombudsman will not disclose any privileged communications.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 141 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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

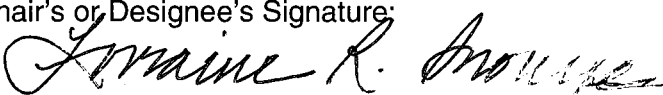


LAURA H. THIELEN, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* SB 141	Committee Referral: GVO, JDC	Date: 1/29/2019		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
BAKER, Rosalyn H.	✓			
KANUHA, Dru Mamo	✓			
FEVELLA, Kurt				✓
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes