

Honolulu, Hawaii

FEB 15 2023

RE: S.B. No. 1490
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred
S.B. No. 1490 entitled:

"A BILL FOR AN ACT RELATING TO STATE EMPLOYEES,"

begs leave to report as follows:

The purpose and intent of this measure is to require the
State to:

- (1) Defend professionally licensed or certified state employees from civil actions when the employee was acting within the scope of their employment and was not grossly negligent or wanton; and
- (2) File a motion to be heard with the court when the State refuses to defend a state or county employee from civil actions on certain grounds.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Association for Justice; and Hawaii Workers Center. Your Committee received comments on this measure from the Department of the Attorney General and Department of Human Services.

Your Committee finds that although Act 44, Session Laws of Hawaii 2022 (Act 44), clarified the personal liability



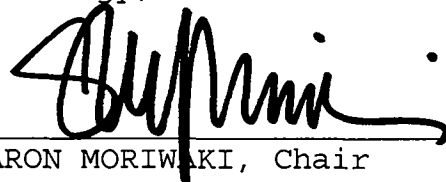
requirements for professionally licensed or certified employees of the State, it did not clarify the circumstances under which the State has a duty to defend its professionally licensed or certified employees.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

Your Committee finds that it remains unclear as to what protections the State can offer its professionally licensed or certified employees who were acting in the scope of their employment. Should your Committees on Judiciary and Ways and Means choose to deliberate on this measure, your Committee respectfully requests that they consider this issue.

As affirmed by the record of votes of the members of your Committee on Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1490, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1490, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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




SHARON MORIWAKI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Labor and Technology
LBT

Bill / Resolution No.:* SB1490	Committee Referral: LBT, JDC/VAM	Date: 2/6/23		
<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
MORIWAKI, Sharon Y. (C)	x			
LEE, Chris (VC)	x			
IHARA, Jr., Les	x			
KEITH-AGARAN, Gilbert S.C.	x			
FEVELLA, Kurt	x			
TOTAL	5			
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