

Honolulu, Hawaii

**FEB 15 2024**

RE: S.B. No. 2520

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred  
S.B. No. 2520 entitled:

"A BILL FOR AN ACT RELATING TO THE DEFENSE OF STATE  
EMPLOYEES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the State to defend professionally licensed or certified state employees from civil actions when the employee's actions were within the scope of employment and were not grossly negligent or wanton, as long as the employee is cooperating with the State's defense;
- (2) Clarify that professionally licensed or certified state employees may employ their own attorney at the employee's own expense; and
- (3) Require that if the State declines to defend any state employee from a civil action on certain grounds when the State would generally do so, the Attorney General shall file a motion to withdraw as counsel.

Your Committee received testimony in support of this measure from the Hawaii Government Employee Association, AFSCME Local 152, AFL-CIO and Hawaii Association for Justice.



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

Your Committee finds that state employees currently must seek their own counsel should legal issues arise in the course of their assigned duties. This measure will provide legal protections for State employees when exercising their professional judgement in their capacity as a public employee in the pursuit of their assigned tasks.

Your Committee has amended this measure by:

- (1) Inserting language that requires the Attorney General to work with the employee to amicably transfer representation to the replacement counsel, and if unsuccessful, file a motion to withdraw as counsel;
- (2) Establishing a procedure that allows the Attorney General to withdraw from representing the employee without prejudicing the employee in the action or proceeding;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2520, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2520, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

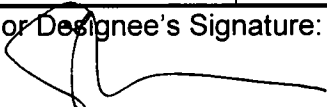
Respectfully submitted on  
behalf of the members of the  
Committee on Labor and  
Technology,

  
HENRY J.C. AQUINO, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:*	Committee Referral:	Date:		
6B2520	LBT, JDC/WAM	2/9/24		
<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
AQUINO, Henry J.C. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
IHARA, Jr., Les	X			
LEE, Chris	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes