

Honolulu, Hawaii

APR 25 2025

RE: S.B. No. 336
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 336, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the State to defend professionally licensed or certified state employees from civil actions or proceedings, under certain circumstances;
- (2) Clarify that the employee may employ their own attorney at the employee's own expense; and
- (3) Establish a process for the Attorney General to transfer or withdraw representation if the Attorney General declines to defend the employee.



Your Committee on Conference finds that professionally licensed or certified state employees require additional protections from liability to take effective, efficient action while exercising their professional judgement in their capacity as public employees. While existing law sets forth the personal liability requirements for these employees, it lacks clarity regarding the circumstances under which the State has a duty to defend them and the conditions and procedures under which the Attorney General may confidentially withdraw representation of the employee. Therefore, this measure establishes a transparent legal representation framework to support public service professionals.

Your Committee on Conference has amended this measure by:

- (1) Changing its effective date to July 1, 2025; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 336, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 336, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE



DAVID A. TARNAS
Co-Chair



LISA KITAGAWA
Co-Chair

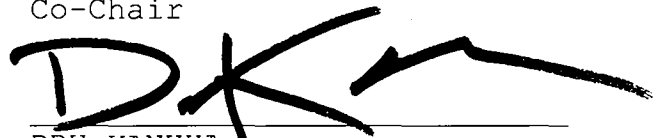
ON THE PART OF THE SENATE



HENRY J.C. AQUINO
Chair



KARL RHOADS
Co-Chair



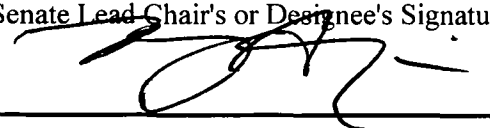
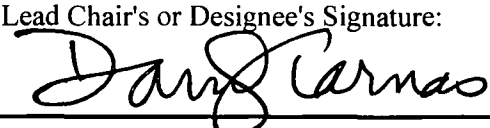
DRU KANUHA
Co-Chair



Hawai'i State Legislature

Record of Votes of a Conference Committee

CCR 142

Bill / Concurrent Resolution No.: SB 336, HD 1					Date/Time: <u>4/25/25</u> <u>10:20AM</u>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
AQUINO, Henry J.C., Chr.	✓				TARNAS, David A., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				KITAGAWA, Lisa, Co-Chr.	✓			
KANUHA, Dru Mamo, Co-Chr.	✓				SHIMIZU, Garner M.	✓			
FEVELLA, Kurt	✓								
TOTAL	4				TOTAL	3			
<div style="display: flex; justify-content: space-between;"> A = Aye WR = Aye with Reservations N = Nay E = Excused </div>									
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between;"> <div> Distribution: Original <i>File with Conference Committee Report</i> </div> <div> Yellow <i>House Clerk's Office</i> </div> <div> Pink <i>Senate Clerk's Office</i> </div> <div> Goldenrod <i>Drafting Agency</i> </div> </div>									