

Honolulu, Hawaii

Ag: 125, 2008

RE: H.B. No. 3386
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 3386, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ATTORNEYS,"

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 bill is to:

- (1) Provide procedures in potential conflict of interest situation involving the State Attorney General in the representation of any court or judicial or legislative office of the State;
- (2) Add an exemption for the Department of Taxation (DOTAX) to hire its own attorneys for limited circumstances, on the recommendation of DOTAX; and



- (3) Add a definition of "practice of law" in section 605-14 concerning the unauthorized practice of law.

Upon further consideration your Committee on Conference has amended this bill by:

- (1) Deleting section 1 relating to procedures for representation in a case involving a potential conflict of interest on the part of the Department of the Attorney General, as this matter has been addressed in a separate measure already approved by both houses of the Legislature;
- (2) Deleting section 3 defining the practice of law, due to opposition by the Hawaii State Bar Association; and
- (3) Revising section 2 of this measure to provide that any licensed attorney employed by DOTAX, as an administrative rules officer or administrative rules specialist may be designated a special tax counsel for the department to provide certain legal advice and representation, and also requiring public disclosure of legal advice and communications by such persons in accordance with federal law. DOTAX is required by this measure to report to the Legislature annually, concerning the time spent by each such person for each category of work performed.

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 H.B. No. 3386, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 3386, H.D. 1, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


CLARENCE K. NISHIHARA, Chair


TOMMY WATERS, Co-Chair


BRIAN T. TANIGUCHI, Co-Chair


MARCUS R. OSHIRO, Co-Chair


ROSALYN H. BAKER, Co-Chair



WR 131-08

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 3386, HD 1, SD 2	Date/Time: 4/25/08 3:15pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

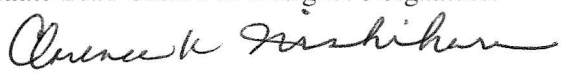

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

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
NISHIHARA, Clarence K., Chr.	✓				WATERS, Tommy, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				OSHIRO, Marcus R., Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.	✓				OSHIRO, Blake K.	✓			
KOKUBUN, Russell S.				✓	FINNEGAN, Lynn	✓			
TSUTSUI, Shan S.				✓					
TOTAL	3			2	TOTAL	4			

A = Aye WR = Aye with Reservations N = Nay E = Excused

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
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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