
A BILL FOR AN ACT

RELATING TO GOVERNMENTAL RETENTION OF ATTORNEYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 28-8.3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) No department of the State other than the attorney
4 general may employ or retain any attorney, by contract or
5 otherwise, for the purpose of representing the State or the
6 department in any litigation, rendering legal counsel to the
7 department, or drafting legal documents for the department;
8 provided that the foregoing provision shall not apply to the
9 employment or retention of attorneys:

10 (1) By the public utilities commission, the labor and
11 industrial relations appeals board, and the Hawaii
12 labor relations board;

13 (2) By any court or judicial or legislative office of the
14 State; provided that if the attorney general is
15 requested to provide representation to a court or
16 judicial office by the chief justice or the chief
17 justice's designee, or to a legislative office by the



1 speaker of the house of representatives and the
2 president of the senate jointly, and the attorney
3 general declines to provide such representation on the
4 grounds of conflict of interest, the attorney general
5 shall retain an attorney for the court, judicial, or
6 legislative office, subject to approval by the court,
7 judicial, or legislative office;

- 8 (3) By the legislative reference bureau;
- 9 (4) By any compilation commission that may be constituted
- 10 from time to time;
- 11 (5) By the real estate commission for any action involving
- 12 the real estate recovery fund;
- 13 (6) By the contractors license board for any action
- 14 involving the contractors recovery fund;
- 15 (7) By the trustees for any action involving the travel
- 16 agency recovery fund;
- 17 (8) By the office of Hawaiian affairs;
- 18 (9) By the department of commerce and consumer affairs for
- 19 the enforcement of violations of chapters 480 and 485;
- 20 (10) As grand jury counsel;
- 21 (11) By the Hawaiian home lands trust individual claims
- 22 review panel;



- 1 (12) By the Hawaii health systems corporation, or its
- 2 regional system boards, or any of their facilities;
- 3 (13) By the auditor;
- 4 (14) By the office of ombudsman;
- 5 (15) By the insurance division;
- 6 (16) By the University of Hawaii;
- 7 (17) By the Kahoolawe island reserve commission;
- 8 (18) By the division of consumer advocacy;
- 9 (19) By the office of elections;
- 10 (20) By the campaign spending commission;
- 11 (21) By the Hawaii tourism authority, as provided in
- 12 section 201B-2.5; or
- 13 (22) By a department, in the event the attorney general,
- 14 for reasons deemed by the attorney general good and
- 15 sufficient, declines to employ or retain an attorney
- 16 for a department; provided that the governor thereupon
- 17 waives the provision of this section."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

S.B. NO. 3200
S.D. 1
H.D. 1

Report Title:

Governmental Retention of Attorneys; Attorney General Conflict
of Interest

Description:

Allows a court or judicial or legislative office of the state to
retain an attorney if the attorney general declares a conflict
of interest. (SB3200 HD1)

