

JAN 23 2008

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 subsections (a) and (b) 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;

15 (3) By the legislative reference bureau;

16 (4) By any compilation commission that may be constituted
17 from time to time;



- 1 (5) By the real estate commission for any action involving
- 2 the real estate recovery fund;
- 3 (6) By the contractors license board for any action
- 4 involving the contractors recovery fund;
- 5 (7) By the trustees for any action involving the travel
- 6 agency recovery fund;
- 7 (8) By the office of Hawaiian affairs;
- 8 (9) By the department of commerce and consumer affairs for
- 9 the enforcement of violations of chapters 480 and 485;
- 10 (10) As grand jury counsel;
- 11 (11) By the Hawaiian home lands trust individual claims
- 12 review panel;
- 13 (12) By the Hawaii health systems corporation, or its
- 14 regional system boards, or any of their facilities;
- 15 (13) By the auditor;
- 16 (14) By the office of ombudsman;
- 17 (15) By the insurance division;
- 18 (16) By the University of Hawaii;
- 19 (17) By the Kahoolawe island reserve commission;
- 20 (18) By the division of consumer advocacy;
- 21 (19) By the office of elections;
- 22 (20) By the campaign spending commission;



1 (21) By the Hawaii tourism authority, as provided in
2 section 201B-2.5; or

3 (22) By a department, [~~in the event~~] if the attorney
4 general [~~, for reasons deemed by the attorney general~~
5 ~~good and sufficient, declines, to~~] determines and
6 discloses a conflict that requires the attorney
7 general to decline representation. The department may
8 waive the conflict and require the attorney general to
9 represent the department. If the attorney general
10 declines representation and the department does not
11 waive the conflict, the attorney general shall employ
12 or retain an attorney for [a] the department [~~+~~
13 ~~provided that the governor thereupon waives the~~
14 ~~provision of this section.~~], subject to the
15 department's approval.

16 (b) For purposes of this section the term "department"
17 includes any department, board, commission, agency, bureau, or
18 officer of the State [~~-~~], the legislature, and the judiciary."

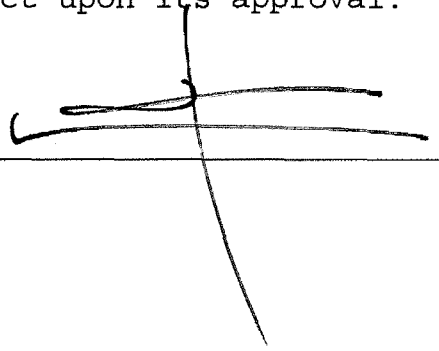
19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: _____

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Report Title:

Governmental Retention of Attorneys; Attorney General Conflict of Interest

Description:

Allows a department to retain an attorney if the attorney general declares a conflict of interest.

