

JAN 23 2009

A BILL FOR AN ACT

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

10 (3) By the legislative reference bureau;

11 (4) By any compilation commission that may be constituted
12 from time to time;

13 (5) By the real estate commission for any action involving
14 the real estate recovery fund;

15 (6) By the contractors license board for any action
16 involving the contractors recovery fund;

17 (7) By the trustees for any action involving the travel
18 agency recovery fund;

19 (8) By the office of Hawaiian affairs;

20 (9) By the department of commerce and consumer affairs for
21 the enforcement of violations of chapters 480 and
22 485A;



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

21 SECTION 2. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

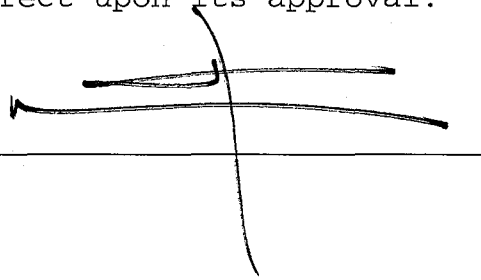


S.B. NO. 477

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

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INTRODUCED BY: _____

A handwritten signature, which appears to be "S. B. ...", is written over the horizontal line following "INTRODUCED BY:". The signature is partially obscured by several horizontal and vertical scribbles, including a prominent vertical line that extends downwards from the signature area.

Report Title:

Attorneys; Governmental Retention

Description:

Authorizes the speaker of the house of representatives or the president of the senate, separately as well as jointly, to employ or retain attorneys.

