

JAN 21 2011

# A BILL FOR AN ACT

RELATING TO EMPLOYMENT 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 as follows:

3           1. By amending subsection (a) to read:

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

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

14           (2) By any court or judicial or legislative office of the  
15 State; provided that if the attorney general is  
16 requested to provide representation to a court or  
17 judicial office by the chief justice or the chief  
18 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  
20 485A;
- 21 (10) As grand jury counsel;



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



1 2. By amending subsection (c) to read:

2 "(c) Every attorney employed by any department on a full-  
3 time basis, except an attorney employed by the public utilities  
4 commission, the labor and industrial relations appeals board,  
5 the Hawaii labor relations board, the office of Hawaiian  
6 affairs, the Hawaii health systems corporation or its regional  
7 system boards, the department of commerce and consumer affairs  
8 in prosecution of consumer complaints, insurance division, the  
9 division of consumer advocacy, the University of Hawaii, the  
10 Hawaii tourism authority as provided in section 201B-2.5, the  
11 Hawaiian home lands trust individual claims review panel, the  
12 state ethics commission, or as grand jury counsel, shall be a  
13 deputy attorney general."

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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

17

INTRODUCED BY:                     A.S.T.J.                      
  By Request

**By Request**

**Report Title:**

Ethics Commission; Attorneys

**Description:**

Allows the state ethics commission to employ or retain its own attorneys.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

