



HAWAII  
STATE  
ETHICS  
COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

February 11, 2011

The Honorable Kyle T. Yamashita, Chair  
The Honorable James Kunane Tokioka, Vice Chair  
House Committee on Legislative Management  
Hawaii State Capitol, Room 422  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: **Testimony on H.B. No. 250, Relating to Employment of Attorneys**

Hearing: Friday, February 11, 2011, 2:00 p.m.  
State Capitol, Conference Room 423

Written Testimony From: Hawaii State Ethics Commission

The Honorable Kyle T. Yamashita, Chair; The Honorable James Kunane Tokioka, Vice Chair; and Honorable Members of the House Committee on Legislative Management:

Thank you for this opportunity to testify on H.B. No. 250, Relating to the Employment of Attorneys. The Hawaii State Ethics Commission supports this bill.

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) section 28-8.3, Employment of Attorneys, to include the State Ethics Commission in the list of agencies that may hire its own attorneys.

HRS section 28-8.3 was enacted in 1995, apparently to clarify the application of the State's procurement law, provides that no state department, except for the Attorney General, may employ or retain the services of an attorney. It has been amended numerous times to add exceptions to that requirement and, currently, lists over 22 agencies that may hire their own attorneys. Included in this list are the Ombudsman, the Office of the Auditor, the Elections Commission, the Campaign Spending Commission, and the Legislative Reference Bureau. The Hawaii State Ethics Commission believes that it should be part of this list and that its current absence from the list is an oversight.

000007

The Honorable Kyle T. Yamashita, Chair  
The Honorable James Kunane Tokioka, Vice Chair  
February 11, 2011  
Page 2

The State Ethics Commission's legislative history describes the need for an independent Commission. To preserve its independence, the Commission has always hired its own attorneys. Again, the Commission believes that its absence from the long list of exempt state agencies is an oversight.

For the reasons set forth above, the Hawaii State Ethics Commission supports this bill. We appreciate the opportunity to testify on H.B. No. 250, Relating to Employment of Attorneys. We would like to thank this Committee for its consideration of our testimony.

000008