



HAWAII
STATE
ETHICS
COMMISSION

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

February 24, 2011

The Honorable Marcus R. Oshiro, Chair
The Honorable Marilyn B. Lee, Vice Chair
House Committee on Finance
Hawaii State Capitol, Room 306
415 South Beretania Street
Honolulu, Hawaii 96813

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

Hearing: Thursday, February 24, 2011, 2:30 p.m.
State Capitol, Conference Room 308

Written Testimony From: Hawaii State Ethics Commission

The Honorable Marcus R. Oshiro, Chair; The Honorable Marilyn B. Lee, Vice Chair;
and Honorable Members of the House Committee on Finance:

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, 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.

The Honorable Marcus R. Oshiro, Chair
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The Hawaii 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.



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