
A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION.

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 office of Hawaiian affairs;
- 16 (8) By the department of commerce and consumer affairs for
 17 the enforcement of violations of chapters 480 and
 18 485A;
- 19 (9) As grand jury counsel;
- 20 (10) By the Hawaiian [~~home lands trust individual claims~~
 21 ~~review panel,~~] homes commission or the department of
 22 Hawaiian home lands; provided that:



1 (A) The Hawaiian homes commission and the department
 2 of Hawaiian home lands may use the services of
 3 the attorney general as needed and when the
 4 interests of the State, the Hawaiian homes
 5 commission, and the department of Hawaiian home
 6 lands are aligned; and

7 (B) Legal fees owed to independent counsel shall be
 8 paid by the State;

9 (11) By the Hawaii health systems corporation, or its
 10 regional system boards, or any of their facilities;

11 (12) By the auditor;

12 (13) By the office of ombudsman;

13 (14) By the insurance division;

14 (15) By the University of Hawaii;

15 (16) By the Kahoolawe island reserve commission;

16 (17) By the division of consumer advocacy;

17 (18) By the office of elections;

18 (19) By the campaign spending commission;

19 (20) By the Hawaii tourism authority, as provided in
 20 section 201B-2.5;

21 (21) By the division of financial institutions for any
 22 action involving the mortgage loan recovery fund; or



1 (22) By a department, in the event the attorney general,
2 for reasons deemed by the attorney general to be good
3 and sufficient, declines to employ or retain an
4 attorney for a department; provided that the governor
5 waives the provision of this section."

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

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

19 SECTION 2. Statutory material to be repealed is bracketed
20



1 and stricken. New statutory material is underscored.

2 SECTION 3. This Act shall take effect on July 1, 2050.

3



Report Title:

Hawaiian Homes Commission; Legal Counsel

Description:

Allows the Hawaiian homes commission or the department of Hawaiian home lands to retain independent legal counsel as needed. Authorizes the Hawaiian homes commission and the department of Hawaiian home lands to use the services of the attorney general as needed and when the interests of the State, Hawaiian homes commission, and department of Hawaiian home lands are aligned. Provides that funds paid to independent legal counsel shall be paid by the State. Takes effect 7/1/2050.

(SD1)

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