

JAN 27 2016

A BILL FOR AN ACT

RELATING TO HAWAIIAN HOMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 92, Session Laws of Hawaii 2015, is amended
2 by amending section 3 to read as follows:

3 "SECTION 3. Section 28-8.3, Hawaii Revised Statutes, is
4 amended as follows:

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

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

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



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- 1 (2) By any court or judicial or legislative office of the
2 State; provided that if the attorney general is
3 requested to provide representation to a court or
4 judicial office by the chief justice or the chief
5 justice's designee, or to a legislative office by the
6 speaker of the house of representatives and the
7 president of the senate jointly, and the attorney
8 general declines to provide such representation on the
9 grounds of conflict of interest, the attorney general
10 shall retain an attorney for the court, judicial, or
11 legislative office, subject to approval by the court,
12 judicial, or legislative office;
- 13 (3) By the legislative reference bureau;
- 14 (4) By any compilation commission that may be constituted
15 from time to time;
- 16 (5) By the real estate commission for any action involving
17 the real estate recovery fund;
- 18 (6) By the contractors license board for any action
19 involving the contractors recovery fund;
- 20 (7) By the office of Hawaiian affairs;



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- 1 (8) By the department of commerce and consumer affairs for
- 2 the enforcement of violations of chapters 480 and
- 3 485A;
- 4 (9) As grand jury counsel;
- 5 ~~[(10) By the Hawaiian home lands trust individual claims~~
- 6 ~~review panel;~~
- 7 ~~[(11)]~~ (10) By the Hawaii health systems corporation, or its
- 8 regional system boards, or any of their facilities;
- 9 ~~[(12)]~~ (11) By the auditor;
- 10 ~~[(13)]~~ (12) By the office of ombudsman;
- 11 ~~[(14)]~~ (13) By the insurance division;
- 12 ~~[(15)]~~ (14) By the University of Hawaii;
- 13 ~~[(16)]~~ (15) By the Kahoolawe island reserve commission;
- 14 ~~[(17)]~~ (16) By the division of consumer advocacy;
- 15 ~~[(18)]~~ (17) By the office of elections;
- 16 ~~[(19)]~~ (18) By the campaign spending commission;
- 17 ~~[(20)]~~ (19) By the Hawaii tourism authority, as provided in
- 18 section 201B-2.5;
- 19 ~~[(21)]~~ (20) By the division of financial institutions for
- 20 any action involving the mortgage loan recovery fund;
- 21 ~~[e]~~



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1 (21) By the office of information practices;
2 (22) By the Hawaiian homes commission or the department of
3 Hawaiian home lands; provided that:

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

10 (B) Legal fees owed to independent counsel shall be
11 paid by the State; or

12 [~~+22~~] (23) By a department, [~~in the event~~] if the attorney
13 general, for reasons deemed by the attorney general to
14 be good and sufficient, declines to employ or retain
15 an attorney for a department; provided that the
16 governor waives the provision of this section."

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

18 "(c) Every attorney employed by any department on a full-
19 time basis, except an attorney employed by the public utilities
20 commission, the labor and industrial relations appeals board,
21 the Hawaii labor relations board, the office of Hawaiian



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1 affairs, the Hawaii health systems corporation or its regional
 2 system boards, the department of commerce and consumer affairs
 3 in prosecution of consumer complaints, insurance division, the
 4 division of consumer advocacy, the University of Hawaii, the
 5 Hawaii tourism authority as provided in section 201B-2.5, the
 6 ~~[Hawaiian home lands trust individual claims review panel]~~
 7 office of information practices, Hawaiian homes commission, or
 8 department of Hawaiian home lands, or as grand jury counsel,
 9 shall be a deputy attorney general."

10 SECTION 2. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on June 30, 2016.

13

INTRODUCED BY:

MAN. M.
By Request



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Report Title:

Hawaiian Homes Commission; Department of Hawaiian Home Lands;
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. Effective June 30, 2016.

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

