
A BILL FOR AN ACT

RELATING TO THE 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 by amending subsection (a) to read as follows:

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

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

13 (2) By any court or judicial or legislative office of the
14 State; provided that if the attorney general is
15 requested to provide representation to [a]:



1 (A) A court or judicial office by the chief justice
2 or the chief justice's designee [~~, or to a~~
3 ~~legislative office~~];

4 (B) The house of representatives by the speaker of
5 the house of representatives [~~and~~]; or

6 (C) The senate by the president of the senate
7 [~~jointly~~];

8 and the attorney general declines to provide such
9 representation on the grounds of conflict of interest,
10 then the attorney general shall retain an attorney for
11 the court, judicial [~~, or legislative~~] office, or house
12 of the legislature, subject to approval by the court,
13 judicial [~~, or legislative~~] office [~~+~~], speaker of the
14 house of representatives, or president of the senate,
15 as the case may be;

16 (3) By the legislative reference bureau;

17 (4) By any compilation commission that may be constituted
18 from time to time;

19 (5) By the real estate commission for any action involving
20 the real estate recovery fund;



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



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

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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



Report Title:

Legislature; Attorneys; Senate; House of Representatives

Description:

Replaces a requirement that the Speaker of the House of Representatives and the President of the Senate must jointly request legal representation for a legislative office before that office may receive legal representation with a requirement that allows either the Speaker's request or the President's request, as appropriate, to constitute a sufficient request.
(HB74 HD1)

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