

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO LEGAL COUNSEL.

**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



1 justice's designee, or to a legislative office by the  
2 speaker of the house of representatives and the  
3 president of the senate jointly, and the attorney  
4 general declines to provide such representation on the  
5 grounds of conflict of interest, the attorney general  
6 shall retain an attorney for the court, judicial, or  
7 legislative office, subject to approval by the court,  
8 judicial, or legislative office;

9 (3) By the legislative reference bureau;

10 (4) By any compilation commission that may be constituted  
11 from time to time;

12 (5) By the real estate commission for any action involving  
13 the real estate recovery fund;

14 (6) By the contractors license board for any action  
15 involving the contractors recovery fund;

16 (7) By the office of Hawaiian affairs;

17 (8) By the department of commerce and consumer affairs for  
18 the enforcement of violations of chapters 480 and  
19 485A;

20 (9) As grand jury counsel;



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

3 (11) By the auditor;

4 (12) By the office of ombudsman;

5 (13) By the insurance division;

6 (14) By the University of Hawaii;

7 (15) By the Kahoolawe island reserve commission;

8 (16) By the division of consumer advocacy;

9 (17) By the office of elections;

10 (18) By the campaign spending commission;

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

13 (20) By the division of financial institutions for any  
14 action involving the mortgage loan recovery fund;

15 (21) By the office of information practices; [~~or~~]

16 (22) By the department of Hawaiian home lands; provided  
17 that:

18 (A) The department of Hawaiian home lands may use the  
19 services of the attorney general as needed and  
20 when the interests of the State and the



1 department of Hawaiian home lands are aligned;

2 and

3 (B) Legal fees owed to independent counsel shall be

4 paid by the attorney general; or

5 [~~22~~] (23) By a department, if the attorney general, for  
6 reasons deemed by the attorney general to be good and  
7 sufficient, declines to employ or retain an attorney  
8 for a department; provided that the governor waives  
9 the provision of this section."

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

11 "(c) Every attorney employed by any department on a full-  
12 time basis, except an attorney employed by the public utilities  
13 commission, the labor and industrial relations appeals board,  
14 the Hawaii labor relations board, the office of Hawaiian  
15 affairs, the Hawaii health systems corporation or its regional  
16 system boards, the department of commerce and consumer affairs  
17 in prosecution of consumer complaints, insurance division, the  
18 division of consumer advocacy, the University of Hawaii, the  
19 Hawaii tourism authority as provided in section 201B-2.5, the  
20 office of information practices, department of Hawaiian home



1 lands, or as grand jury counsel, shall be a deputy attorney  
2 general."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

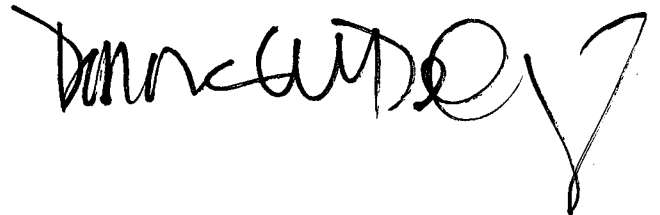
5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



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# S.B. NO. 642

**Report Title:**

Department of Hawaiian Home Lands; Legal Counsel

**Description:**

Allows the department of Hawaiian home lands to retain independent legal counsel as needed. Authorizes the department of Hawaiian home lands to use the services of the attorney general as needed and when the interests of the State and the department of Hawaiian home lands are aligned. Provides that funds owed to independent legal counsel shall be paid by the attorney general.

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

