
A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT OF ATTORNEYS BY PUBLIC CHARTER
SCHOOLS.

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

1 SECTION 1. The purpose of this Act is to empower public
2 charter schools and their governing boards to address certain
3 legal matters effectively and equitably by allowing the public
4 charter schools and their governing boards to retain independent
5 legal counsel for certain actions involving their charter.

6 SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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



- 1 (1) By the public utilities commission, the labor and
2 industrial relations appeals board, and the Hawaii
3 labor relations board;
- 4 (2) By any court or judicial or legislative office of the
5 State; provided that if the attorney general is
6 requested to provide representation to a court or
7 judicial office by the chief justice or the chief
8 justice's designee, or to a legislative office by the
9 speaker of the house of representatives and the
10 president of the senate jointly, and the attorney
11 general declines to provide such representation on the
12 grounds of conflict of interest, the attorney general
13 shall retain an attorney for the court, judicial, or
14 legislative office, subject to approval by the court,
15 judicial, or legislative office;
- 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 of Hawaiian 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;
- 21 (21) By the office of information practices;



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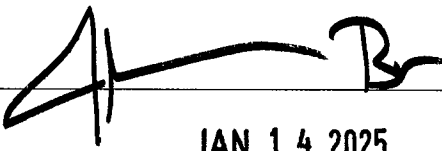
- 1 (22) By the school facilities authority;
- 2 (23) By the Mauna Kea stewardship and oversight authority;
- 3 ~~[or]~~
- 4 (24) By public charter schools, as defined in section
- 5 302D-1; or
- 6 ~~[(24)]~~ (25) By a department, if the attorney general, for
- 7 reasons deemed by the attorney general to be good and
- 8 sufficient, declines to employ or retain an attorney
- 9 for a department; provided that the governor waives
- 10 the provision of this section."

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY:



 JAN 14 2025



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Report Title:

Public Charter Schools; Employment of Attorneys

Description:

Provides an exemption for public charter schools and their respective governing boards from the statutory prohibition on retaining independent legal counsel.

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

