

JAN 25 2017

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# A BILL FOR AN ACT

RELATING TO ETHICS.

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

1           SECTION 1. The legislature finds that the state ethics  
2 commission was inadvertently left off of the list of state  
3 agencies specifically authorized by statute to hire its own  
4 attorneys.

5           The purpose of this Act is to memorialize the long-standing  
6 practice of having the state ethics commission employ attorneys.

7           SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is  
8 amended as follows:

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

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



# S.B. NO. 872

- 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~~] the representation  
12          on the grounds of conflict of interest, the attorney  
13          general shall retain an attorney for the court,  
14          judicial, or legislative office, subject to approval  
15          by the court, 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 for any
- 21 action involving the mortgage loan recovery fund;



1           (21) By the office of information practices; [~~or~~]  
2           (22) By the state ethics commission; or  
3           ~~[(22)]~~ (23) By a department, if the attorney general, for  
4           reasons deemed by the attorney general to be good and  
5           sufficient, declines to employ or retain an attorney  
6           for a department; provided that the governor waives  
7           the provision of this section."

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

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

20               SECTION 3. Statutory material to be repealed is bracketed  
21          and stricken. New statutory material is underscored.



# S.B. NO. 872

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

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INTRODUCED BY:

*[Signature]*



# S.B. NO. 872

**Report Title:**

State Ethics Commission; Attorneys

**Description:**

Clarifies that the Ethics Commission may employ or retain its own attorneys.

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

