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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. 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~~] the representation  
5 on the grounds of conflict of interest, the attorney  
6 general shall retain an attorney for the court,  
7 judicial, or legislative office, subject to approval  
8 by the court, 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;  
14 (21) By the office of information practices; ~~[or]~~  
15 (22) By the state ethics commission; or  
16 ~~[+22+]~~ (23) By a department, if the attorney general, for  
17 reasons deemed by the attorney general to be good and  
18 sufficient, declines to employ or retain an attorney  
19 for a department; provided that the governor waives  
20 the provision of this section."  
21 2. By amending subsection (c) to read:



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

12        SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14        SECTION 3. This Act shall take effect on January 7, 2059.



**Report Title:**

State Ethics Commission; Attorneys

**Description:**

Allows the State Ethics Commission to employ or retain its own attorneys. (SB872 HD1)

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

