
A BILL FOR AN ACT

RELATING TO STATE DEPARTMENTS.

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 court or
16 judicial office by the chief justice or the chief
17 justice's designee, or to a legislative office by the



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

8 (3) By the legislative reference bureau;

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

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

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

15 (7) By the office of Hawaiian affairs;

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

19 (9) As grand jury counsel;

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



- 1 (11) By the auditor;
- 2 (12) By the office of ombudsman;
- 3 (13) By the insurance division;
- 4 (14) By the University of Hawaii;
- 5 (15) By the Kahoolawe island reserve commission;
- 6 (16) By the division of consumer advocacy;
- 7 (17) By the office of elections;
- 8 (18) By the campaign spending commission;
- 9 (19) By the Hawaii tourism authority, as provided in
- 10 section 201B-2.5;
- 11 (20) By the division of financial institutions;
- 12 (21) By the office of information practices;
- 13 (22) By the school facilities authority; ~~[or]~~
- 14 (23) By the department of taxation; or
- 15 ~~[(+23)]~~ (24) By a department, if the attorney general, for
- 16 reasons deemed by the attorney general to be good and
- 17 sufficient, declines to employ or retain an attorney
- 18 for a department; provided that the governor waives
- 19 the provision of this section."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 3. This Act shall take effect on July 1, 2022.

2

INTRODUCED BY:



JAN 25 2022



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Report Title:

DOTAX; Retention; Employment; Attorneys

Description:

Allows the department of taxation to retain or employ attorneys, by contract or otherwise.

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

