

ACT 149

S.B. NO. 948

A Bill for an Act Relating to Governmental Retention of Attorneys.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 28-8.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

- (1) By the public utilities commission, the labor and industrial relations appeals board, and the Hawaii labor relations board;
- (2) By any court or judicial or legislative office of the State; provided that if the attorney general is requested to provide representation to a court or judicial office by the chief justice or the chief justice’s designee, or to a legislative office by the speaker of the house of representatives and the president of the senate jointly, and the attorney general declines to provide such representation on the grounds of conflict of interest, the attorney general shall retain an attorney for

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- the court, judicial, or legislative office, subject to approval by the court, judicial, or legislative office;
- (3) By the legislative reference bureau;
 - (4) By any compilation commission that may be constituted from time to time;
 - (5) By the real estate commission for any action involving the real estate recovery fund;
 - (6) By the contractors license board for any action involving the contractors recovery fund;
 - (7) By the office of Hawaiian affairs;
 - (8) By the department of commerce and consumer affairs for the enforcement of violations of chapters 480 and 485A;
 - (9) As grand jury counsel;
 - (10) By the Hawaii health systems corporation, or its regional system boards, or any of their facilities;
 - (11) By the auditor;
 - (12) By the office of ombudsman;
 - (13) By the insurance division;
 - (14) By the University of Hawaii;
 - (15) By the Kahoolawe island reserve commission;
 - (16) By the division of consumer advocacy;
 - (17) By the office of elections;
 - (18) By the campaign spending commission;
 - (19) By the Hawaii tourism authority, as provided in section 201B-2.5;
 - (20) By the division of financial institutions [~~for any action involving the mortgage loan recovery fund~~];
 - (21) By the office of information practices; or
 - (22) By a department, if the attorney general, for reasons deemed by the attorney general to be good and sufficient, declines to employ or retain an attorney for a department; provided that the governor waives the provision of this section.”

SECTION 2. Statutory material to be repealed is bracketed and stricken.

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

(Approved July 10, 2017.)