



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 30, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 3200 SD1 HD1

On April 29, 2008, Senate Bill No. 3200, entitled "A Bill for an Act Relating to Governmental Retention of Attorneys," became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The bill would require the Attorney General to retain an attorney for a legislative or judicial office if legal representation was requested for that office by the Chief Justice, or the Speaker and Senate President jointly, and the Attorney General declined to provide that representation on the ground of conflict of interest.

This measure is troubling because it would require the Attorney General to fund legal services from the budget of the executive branch for a separate branch of government. There appears to be no reason why such funding cannot come from the budget of the branch that is requesting the legal services. Moreover, there does not appear to be any pressing need for this legislation, as both the legislative and judicial branches of government have statutory authority to retain attorneys without the consent of the Attorney General.

However, the circumstances covered by the legislation are extremely limited. The legislation would be applicable only if there was a request for legal services, the request was declined by the Attorney General, and the specified reason by the Attorney General was conflict of interest. An argument can be made that if the Attorney General's stated reason for declining to provide representation is a conflict of interest and, thus, absent such a conflict the Attorney General would have provided legal services, the fiscal burden of the Attorney General's conflict of interest ought to fall on his department.

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For the foregoing reasons, I allowed Senate Bill No. 3200 to become law as Act 45,
effective April 29, 2008, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle". The signature is fluid and cursive, with the first letter of the first name being a large, stylized "L".

LINDA LINGLE