STAND. COM. REP. NO. Honolulu, Hawaii 2013 H.B. No. 1073 RE: H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred H.B. No. 1073 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose of this measure is to help ensure the efficient and effective handling of legal matters at the University of Hawaii by, among other things:

- (1) Limiting the Board of Regents to one general counsel and permitting the contract hire of independent counsel to instances in which both the University General Counsel and the Attorney General acknowledge a lack of sufficient expertise; and
- (2) Requiring the University General Counsel to report directly to the Board of Regents.

A concerned individual supported this measure. The Office of the President of the Associated Students of the University of Hawaii at Manoa, Manoa Faculty Senate Executive Committee, and a concerned individual opposed this measure. The University of Hawaii Professional Assembly provided comments.

Your Committee on Higher Education notes concerns expressed by testifiers that the Legal Affairs and University General Counsel Office at the University of Hawaii appears to require more

HB1073 HD1 HSCR HED HMS 2013-1847

STAND. COM. REP. NO. 4/24 Page 2

resources than it currently has and that limiting the University, and more specifically, the Board of Regents to just one general counsel will exacerbate an already difficult situation. As such, your Committee respectfully requests the Committee on Judiciary to inquire about the Office's current budget, the number of attorneys on staff, and the extent to which the Office's services are used throughout the University system and consider such information in its deliberations should this measure move forward.

Your Committee has amended this measure by:

- Authorizing the University General Counsel to hire one or more staff attorneys to assist in providing legal services for the University;
- (2) Authorizing the contract of independent attorneys in cases in which the University General Counsel and the Attorney General each acknowledge a conflict of interest;
- (3) Requiring the University General Counsel and Attorney General to acknowledge the lack of sufficient expertise or conflict of interest to the Board of Regents in writing;
- (4) Requiring contracted independent attorneys to consult with the University General Counsel in addition to the Attorney General;
- (5) Requiring the Board of Regents to submit an annual report to the Legislature detailing each contract of independent counsel, including the amount of and reason for the contract;
- (6) Providing that this bill will not impair existing contracts; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1073, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1073, H.D. 1, and be referred to the Committee on Judiciary.

HB1073 HD1 HSCR HED HMS 2013-1847

STAND. COM. REP. NO. 424 Page 3

Respectfully submitted on behalf of the members of the Committee on Higher Education,

Chair ISAAC W. CHOY,



State of Hawaii

House of Representatives The Twenty-seventh Legislature

## Record of Votes of the Committee on Higher Education

HB 1073 HED, T	the measure.			
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:       Image: Pass, unamended (as is)       Image: Pass, with amendments (HD)       Image: Hold         Image: Pass short form bill with HD to recommit for future public hearing (recommit)       Image: Pass short form bill with HD to recommit for future public hearing (recommit)				
HED Members	Ayes	Ayes (WR)	Nays	Excused
1. CHOY, Isaac W. (C)	$\checkmark$			
2. ICHIYAMA, Linda (VC)	<b>v</b>			
3. AQUINO, Henry J.C.				
4. HANOHANO, Faye P.				
5. NAKASHIMA, Mark M.	<u> </u>			
6. OHNO, Takashi	✓			
7. TAKAI, K. Mark				
8. TAKUMI, Roy M.	<u> </u>			
9. CHEAPE, Lauren Kealohilani	<u> </u>			<b></b> ,
10. FALE, Richard Lee	<ul> <li>✓</li> </ul>			
		· -		
				<u> </u>
				·
				<u> </u>
· · · · · · · · · · · · · · · · · · ·				
		<u> </u>		
				· · · · · · · · · · · · · · · · · · ·
TOTAL (10)	9	0	D	1 -
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				