
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. On August 29, 2012, pursuant to senate rule 20,
2 the senate president appointed a senate special committee on
3 accountability to conduct informational briefings to review the
4 oversight, accountability, and transparency of the operational
5 and financial management of the University of Hawaii system,
6 including but not limited to the University of Hawaii's athletic
7 department.

8 The committee held informational briefings on September 24,
9 2012, and October 2, 2012.

10 During the informational briefings, the committee found,
11 among other things, that the board of regents and the University
12 of Hawaii system has spent large amounts of money to contract
13 with independent attorneys rather than use the university
14 general counsel or attorney general.

15 The purpose of this Act is to:

16 (1) Limit the number of attorneys the board of regents may
17 appoint to serve as the university general counsel to
18 one attorney;



(2) Allow the board of regents to contract with independent attorneys solely in cases where the university general counsel and attorney general lack sufficient expertise; and

(3) Require contracted attorneys to consult with and work in conjunction with the university general counsel.

SECTION 2. Section 304A-1005, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~304A-1005~~]~~ **University general counsel.** (a) The board of regents may appoint [~~or retain by contract~~] one [~~or more attorneys~~] attorney who [~~are~~] is independent of the attorney general, to serve as the university general counsel, and to provide legal services for the university, including:

(1) Representation of the university in civil actions to which the university is a party, either directly or through the acts or omissions of its officers or employees;

(2) Advice and assistance to ensure the lawful and efficient administration and operation of the university;



(3) Review and approval of documents relating to the acquisition of land or interest in land by the university; and

(4) Any other legal service specified by the board of regents.

The board of regents shall have direct oversight over the university general counsel and shall not delegate this duty to the university president. The university general counsel shall report directly to the board of regents. The board of regents may fix the compensation of the ~~[attorneys]~~ attorney appointed pursuant to this ~~[section. — Attorneys]~~ subsection; provided that the compensation shall not exceed the compensation of the attorney general established pursuant to section 26-52. The attorney appointed ~~[or retained by contract]~~ pursuant to this subsection shall be exempt from chapters 76 and 89.

(b) Nothing in this section precludes the board of regents from requesting and securing legal services from the department of the attorney general, for the university, the board of regents or its members, or the university's officers and employees, upon mutual agreement.

(c) The board of regents may retain by contract one or more attorneys who are independent from the university general



1 counsel and attorney general to provide legal services for the
2 university, the board of regents or its members, or the
3 university's officers and employees, solely in cases in which
4 the university general counsel and attorney general each
5 acknowledge a lack of sufficient expertise; provided that the
6 independent attorney shall consult with and work in conjunction
7 with the attorney general. The board may fix the compensation
8 of attorneys retained by contract pursuant to this subsection.
9 Attorneys retained by contract pursuant to this subsection shall
10 be exempt from chapters 76, 78, 88, and 89."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2050.
14



Report Title:

University of Hawaii; Board of Regents; General Counsel;
Attorney General

Description:

Amends section 304A-1005, HRS, to: (1) Limit the board of regents to appointing only one university general counsel; (2) Require the board of regents to have direct oversight over the university counsel and prohibit the board of regents from delegating this responsibility to the president of the university; (3) Require the general counsel's compensation to be capped at the level of compensation of the attorney general; (4) Require the university general counsel to report directly to the board of regents; and (5) Allow the board of regents to contract with independent attorneys solely in cases where the university general counsel and attorney general each acknowledge a lack of sufficient expertise. Requires contracted attorneys to consult with and work in conjunction with the attorney general.
Effective 07/01/50. (SD1)

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