
A BILL FOR AN ACT

RELATING TO HIGHER EDUCATION.

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

1 SECTION 1. Section 28-8.3, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

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

11 (1) By the public utilities commission, the labor and
12 industrial relations appeals board, and the Hawaii
13 labor relations board;

14 (2) By any court or judicial or legislative office of the
15 State; provided that if the attorney general is
16 requested to provide representation to a court or
17 judicial office by the chief justice or the chief



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

9 (3) By the legislative reference bureau;

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

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

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

16 (7) By the office of Hawaiian affairs;

17 (8) By the department of commerce and consumer affairs for
18 the enforcement of violations of chapters 480 and
19 485A;

20 (9) As grand jury counsel;



1 (10) By the Hawaiian home lands trust individual claims
2 review panel;
3 (11) By the Hawaii health systems corporation, or its
4 regional system boards, or any of their facilities;
5 (12) By the auditor;
6 (13) By the office of ombudsman;
7 (14) By the insurance division;
8 ~~[(15) By the University of Hawaii;~~
9 ~~+(16)]~~ (15) By the Kahoolawe island reserve commission;
10 ~~[(17)]~~ (16) By the division of consumer advocacy;
11 ~~[(18)]~~ (17) By the office of elections;
12 ~~[(19)]~~ (18) By the campaign spending commission;
13 ~~[(20)]~~ (19) By the Hawaii tourism authority, as provided in
14 section 201B-2.5;
15 ~~[(21)]~~ (20) By the division of financial institutions for any
16 action involving the mortgage loan recovery fund; or
17 ~~[(22)]~~ (21) By a department, ~~[in the event]~~ if the attorney
18 general, for reasons deemed by the attorney general to
19 be good and sufficient, declines to employ or retain
20 an attorney for a department; provided that the
21 governor waives the provision of this section."



2. By amending subsection (c) to read:

"(c) Every attorney employed by any department on a full-time basis, except an attorney employed by the public utilities commission, the labor and industrial relations appeals board, the Hawaii labor relations board, the office of Hawaiian affairs, the Hawaii health systems corporation or its regional system boards, the department of commerce and consumer affairs in prosecution of consumer complaints, insurance division, the division of consumer advocacy, ~~[the University of Hawaii,]~~ the Hawaii tourism authority as provided in section 201B-2.5, the Hawaiian home lands trust individual claims review panel, or as grand jury counsel, shall be a deputy attorney general."

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 request that the attorney general appoint or retain by contract one or more attorneys ~~[who are independent of the attorney general,]~~ 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



1 through the acts or omissions of its officers or
2 employees;

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

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

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

11 The ~~[board of regents]~~ attorney general may fix the compensation
12 of the attorneys appointed or retained by contract pursuant to
13 this section. Attorneys appointed or retained by contract shall
14 be exempt from chapters 76 and 89.

15 ~~[(b) Nothing in this section precludes the board of~~
16 ~~regents from requesting and securing legal services from the~~
17 ~~department of the attorney general, for the university, the~~
18 ~~board of regents or its members, or the university's officers~~
19 ~~and employees, upon mutual agreement.] "~~



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.



Report Title:

University General Counsel; University of Hawaii; Attorney General

Description:

Repeals the UH Board of Regents' authority to appoint university general counsel. Delegates authority to appoint attorneys to the Attorney General. (HB111 HD1)

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