

A Bill for an Act Relating to the Creation of a Permanent Office of Consumer Protection.

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

SECTION 1. Legislative intent. The public health, welfare and interest require a strong and effective consumer protection program to protect the interests of both the consumer public and the legitimate businessman. Toward this end, a permanent office of consumer protection is created to coordinate the services offered to the consumer by various state and county agencies, together with private organizations, and to aid in the development of preventive and remedial programs affecting the interest of the consumer public.

Section 2. Office of Consumer Protection; Director. There is hereby created within the office of the governor, an office of consumer protection. The head of this office shall be the director of the office of consumer protection. He shall have been admitted to practice law before the Supreme Court of this State and shall be appointed by the governor without regard to chapters 76 and 77.

SECTION 3. Personnel. The director may appoint as staff members persons who have been admitted to practice law before the Supreme Court of this State without regard to chapters 76 and 77. All other employees shall be appointed by the director in accordance with chapters 76 and 77.

SECTION 4. Salaries; benefits. The director of the office of consumer protection shall receive a salary of \$25,000. The director and attorney staff members shall be entitled to participate in any employee benefit plan.

SECTION 5. General functions, powers and duties of the office. The director of the office of consumer protection is hereby designated the consumer counsel for the State and shall represent and protect the State, the respective counties, and the general public as consumers. The office of consumer protection shall have the following functions, powers and duties.

(1) to coordinate the consumer protection activities of all departments, divisions and branches of state government, and of branches of the county government concerned with consumer protection;

(2) to assist, advise and cooperate with federal, state and local agencies and officials to protect and promote the interests of the consumer public;

(3) to conduct investigations, research, studies and analysis of matters and take appropriate action affecting the interests of consumers;

(4) to study the operation of laws affecting consumers and to recommend to the governor and the Legislature, new laws and amendments of laws in the consumers' interest;

(5) to investigate reported or suspected violations of laws enacted, and rules and regulations promulgated for the purpose of consumer protection and shall enforce such laws, rules and regulations;

(6) to organize and hold conferences on problems affecting consumers; and to undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;

(7) to provide a central clearing house of information by collecting and compiling all consumer complaints and inquiries;

(8) to organize, promote and conduct consumer education programs within the State;

(9) to appear before governmental commissions, departments and agencies to represent and be heard on behalf of consumers' interest;

(10) to perform such other acts as may be incidental to the exercise of the functions, powers and duties set forth in this section.

**SECTION 6.** Consumer advisory council. There shall be a consumer advisory council consisting of eleven members who shall be appointed by the governor and serve at his pleasure. There shall be at least one member from each of the counties of the State. The chairman of the council shall be selected by the members. Each member shall serve without pay and shall be reimbursed for necessary expenses incurred while attending meetings and while in the discharge of his responsibilities. The council shall assist the office of the consumer protection in an advisory capacity in carrying out the duties and functions of the office.

**SECTION 7.** Cooperation with office of consumer protection. Each department, agency, officer and employee of the State and of the counties shall cooperate with and assist the office of consumer protection in the performance of the functions, powers and duties of the office.

**SECTION 8.** Powers and duties of other departments and agencies. Nothing contained in this Act shall be deemed to delegate or detract in any way from the functions, powers and duties prescribed by law for any other department or agency of the State, nor to interrupt or preclude the direct relationships of any such department or agency or units of county government in the performance of such functions, powers and duties.

**SECTION 9.** Investigations. The director may, in the course of his investigations, issue subpoenas to any individual or to any director, officer, employee, or agent of any business organization within the State, conduct hearings in aid of any investigation or inquiry, and may prescribe such forms and pro-

## ACT 175

mulgate such rules and regulations as may be necessary in the interest of the consumer public.

SECTION 10. Investigators, appointment and powers. The director shall appoint and commission one or more investigators as the exigencies of the public service may require. Persons appointed and commissioned under this section shall have and may exercise all the powers and authority of a police officer or of a deputy sheriff.

SECTION 11. Educational Specialist and Secretary. The incumbent consumer education specialist and the incumbent secretary shall become civil service employees without the loss of seniority, prior service credit, vacation, sick leave, or other employee benefits and privileges and without the necessity of examination; provided that subsequent changes in status may be made pursuant to chapters 76 and 77.

SECTION 12. Section 26-7, Hawaii Revised Statutes is amended by deleting the third paragraph of that section.

SECTION 13. Section 28-1, Hawaii Revised Statutes is amended to read as follows:

**“Sec. 28-1. Appears for State.** Except in those cases where the director of the office of consumer protection represents the State, the respective counties, and the general public as consumers, the attorney general shall appear for the State personally or by deputy, in all the courts of record, in all cases criminal or civil in which the State may be a party, or be interested, and may in like manner appear in the district courts in such cases.”

SECTION 14. Appropriation. There is hereby appropriated out of the general revenues of the State of Hawaii, the sum of \$132,800 (10) or so much thereof as may be necessary, for the purpose of this Act to be expended by the director. The maximum number of positions authorized during the fiscal year 1969-70 is the number stated in the parenthesis after the appropriation.

SECTION 15. Effective date. This Act shall take effect upon its approval.

(Approved July 8, 1969.)