

ACT 60

S.B. NO. 2189-74

A Bill for an Act Relating to the Real Estate Commission and the Real Estate Recovery Fund, Chapter 467, Hawaii Revised Statutes.

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

SECTION 1. Section 467-19, Hawaii Revised Statutes, is amended to read:

“Sec. 467-19 Management of fund. The sums received by the real estate commission for deposit in the real estate recovery fund shall be held by the commission in trust for carrying out the purpose of the real estate recovery fund. The real estate commission, as the trustee of the recovery fund, shall be authorized to expend such funds to retain private legal counsel to represent the commission in any action involving the real estate recovery fund. These funds may be invested and reinvested in the same manner as funds of the state employees retirement system, and the interest from these investments shall be deposited to the credit of the real estate education fund, and which shall be available to the commission for educational purposes, which is hereby created.”

SECTION 2. Section 103-3, Hawaii Revised Statutes, is amended to read:

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“Sec. 103-3 Employment of attorneys. No department of the State other than the attorney general, shall make any expenditure of public funds for the employment or retention by contract or otherwise of any attorney for the purpose of representing the State or such department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply:

(1) To the Hawaii housing authority or the Public Utilities Commission;

(2) To any court or judicial or legislative officer of the State;

(3) To the legislative reference bureau;

(4) To such compilation commission as may be constituted from time to time;

(5) To the real estate commission in any action involving the real estate recovery fund;

(6) In the event the attorney general, for reasons deemed by him good and sufficient, declines such representation or counsel, or approves such department’s expenditures; provided the governor thereupon waives the provision of this section.

For the purposes of this section the term ‘department of the State’ means any department, board, commission, agency, bureau, or officer of the State.

Every attorney employed by any department on a full time basis shall become a deputy attorney general.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 28, 1974.)

*Edited accordingly.