

ACT 73

S.B. NO. 1774

A Bill for an Act Relating to the Hiring of Attorneys.

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

SECTION 1. Section 28-8, Hawaii Revised Statutes, is amended to read as follows:

“§28-8 First deputy attorney general; other deputies. (a) The attorney general shall appoint, and at the attorney general’s pleasure remove, a first deputy attorney general and such other deputies and law clerks as the exigencies of the

public service may require, and shall be responsible for all of the acts of the first deputy attorney general, other deputies, and law clerks. They shall act under the direction of the attorney general and shall perform such duties as the attorney general may require. The first deputy attorney general and other deputies, subject to such directions, may perform or exercise any and all duties or powers by law required of or conferred upon the attorney general.

(b) The attorney general may appoint and [at the attorney general's pleasure remove], by contract, retain the services of special deputies to perform such duties and exercise such powers as the attorney general may specify in their several appointments. The special deputies shall serve at the pleasure of the attorney general. At the option of the attorney general, special deputies may be compensated on a fixed-price basis, an hourly rate basis, with or without a fixed cap, or, if a special deputy has been appointed to represent the State in an action by the State pursuant to section 661-10, through a contingent fee arrangement to be specified in the contract and payable out of all sums the special deputy recovers for the State by judgment, order, or settlement.

(c) The first deputy attorney general and all of the other deputies shall take the oath required of other public officers."

SECTION 2. Section 485-3, Hawaii Revised Statutes, is amended to read as follows:

"§485-3 Assistants; compensation; quarters; reports. (a) The commissioner of securities shall employ from time to time such other officers, attorneys, clerks, and employees, as are necessary for the administration of this chapter. They shall perform such duties as the commissioner assigns to them and their compensation, and the compensation of the deputies herein provided for, shall be fixed by the commissioner with the approval of the governor, subject to chapters 76 and 77. The commissioner and deputies and each of the employees shall take and subscribe and file the oath of office prescribed by law.

The commissioner, deputies, or any person appointed or employed by the commissioner under this subsection shall be paid, in addition to their salary or compensation when required to travel on official duties, the transportation cost, board, lodging, and other traveling expenses necessary and actually incurred by each of them in the performance of the duties required by this chapter or performed by the direction of the commissioner.

(b) Notwithstanding any other law to the contrary, the commissioner of securities, by contract, may retain the services of attorneys for the enforcement of this chapter. The attorneys shall serve at the pleasure of the commissioner. At the option of the commissioner, attorneys retained by contract under this subsection may be compensated on a fixed-price basis, an hourly rate basis, with or without a fixed cap, or through a contingent fee arrangement to be specified in the contract and payable out of all sums the attorney recovers for the State by judgment, order, or settlement.

(c) The governor shall cause the commissioner to be furnished with such quarters, stationery, furniture, office equipment, and other supplies as may be necessary for the efficient execution of the functions vested in the commissioner by this chapter.

(d) The commissioner shall report to the governor annually upon such date as the governor shall establish. The report shall contain an [amount] account of the work of the commissioner during the period covered and such data and information as may be deemed necessary or appropriate."

SECTION 3. Section 487-3, Hawaii Revised Statutes, is amended to read as follows:

“~~[[[§487-3]]]~~ **Personnel.** (a) 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.

(b) The director may, by contract, retain the services of special consumer protection attorneys for the prosecution of consumer-related matters. The special consumer protection attorneys shall serve at the pleasure of the director. At the option of the director, special consumer protection attorneys may be compensated on a fixed-price basis, an hourly rate basis, with or without a fixed cap, or through a contingent fee arrangement to be specified in the contract and payable out of all sums the special consumer protection attorney recovers for the State by judgment, order, assurance of voluntary compliance, or settlement.”

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

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

(Approved May 25, 1995.)