

ACT 102

H.B. NO. 248

A Bill for an Act Relating to the University of Hawaii.

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

SECTION 1. Section 304-4.3, Hawaii Revised Statutes, is amended to read as follows:

“**[[§304-4.3]] University attorneys.** (a) The board of regents may 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 for 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) Other legal service specified by the board of regents.

The board of regents may fix the compensation of the attorneys appointed pursuant to this section. Attorneys appointed or retained by contract shall be exempt from chapters 76, 77, and 89.

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

SECTION 2. Section 304-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The [university shall be represented by attorneys appointed or hired by the board of regents pursuant to section 304-4.3, and the] board of regents, upon the advice of its [attorneys,] attorney, may arbitrate, compromise, or settle any claim, action, or suit brought against the university pursuant to this section. Any claim compromised or settled under this subsection shall be payable solely from the moneys and property of the university and shall not constitute a general obligation of the State, or be secured directly or indirectly by the full faith and credit of the State or the general credit of the State, or by any revenue or taxes of the State. Nothing in this subsection precludes the board of regents from requesting and securing legislative appropriations to fund the settlement of any such claim or judgment against the university, its regents, officers, employees, or agents.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 25, 1999.)