
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. On August 29, 2012, pursuant to senate rule 20,
2 the senate president appointed a senate special committee on
3 accountability to conduct informational briefings to review the
4 oversight, accountability, and transparency of the operational
5 and financial management of the University of Hawaii system,
6 including but not limited to the University of Hawaii's athletic
7 department.

8 The committee held informational briefings on September 24,
9 2012, and October 2, 2012.

10 During the informational briefings, the committee found,
11 among other things, that the board of regents and the University
12 of Hawaii system spent large amounts of money to contract with
13 independent attorneys rather than use the services of the
14 university general counsel or attorney general.

15 The purpose of this Act is to, among other things:

16 (1) Limit to one the number of attorneys the board of
17 regents may appoint to serve as the university general
18 counsel;



- 1 (2) Permit the university general counsel to hire staff
- 2 attorneys to assist in the general counsel's case
- 3 load;
- 4 (3) Allow the board of regents to contract with
- 5 independent attorneys solely in cases in which the
- 6 university general counsel and attorney general lack
- 7 sufficient expertise; and
- 8 (4) Require contracted attorneys to consult with and work
- 9 in conjunction with the university general counsel and
- 10 attorney general.

11 SECTION 2. Section 304A-1005, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "[~~§~~]**304A-1005**[~~]~~ **University general counsel.** (a) The
 14 board of regents may appoint [~~or retain by contract one or more~~
 15 ~~attorneys~~] an attorney who [~~are~~] is independent of the attorney
 16 general, to serve as the university general counsel, and to
 17 provide legal services for the university, including:

- 18 (1) Representation of the university in civil actions to
- 19 which the university is a party, either directly or
- 20 through the acts or omissions of its officers or
- 21 employees;



- 1 (2) Advice and assistance to ensure the lawful and
- 2 efficient administration and operation of the
- 3 university;
- 4 (3) Review and approval of documents relating to the
- 5 acquisition of land or interest in land by the
- 6 university; and
- 7 (4) Any other legal service specified by the board of
- 8 regents.

9 The university general counsel shall report directly to the
10 board of regents. The board of regents shall have direct
11 oversight of the university general counsel and shall not
12 delegate this duty to the university president. The board of
13 regents may fix the compensation of the ~~[attorneys]~~ attorney
14 appointed pursuant to this ~~[section. — Attorneys]~~ subsection.
15 The attorney appointed [er retained by contract] pursuant to
16 this subsection shall be exempt from chapters 76 and 89.

17 (b) The university general counsel may hire one or more
18 staff attorneys to assist the general counsel in providing legal
19 services for the university.

20 ~~[(b)]~~ (c) Nothing in this section precludes the board of
21 regents from requesting and securing legal services from the
22 department of the attorney general, for the university, the



1 board of regents or its members, or the university's officers
2 and employees, upon mutual agreement.

3 (d) The board of regents may retain by contract one or
4 more attorneys who are independent from the university general
5 counsel and attorney general to provide legal services for the
6 university, the board of regents or its members, or the
7 university's officers and employees, solely in cases in which
8 the university general counsel and attorney general each
9 acknowledge, in writing, a conflict of interest or lack of
10 sufficient expertise to the board of regents; provided that the
11 independent attorney shall consult with and work in conjunction
12 with the university general counsel and attorney general. The
13 board may fix the compensation of attorneys retained by contract
14 pursuant to this subsection. Attorneys retained by contract
15 pursuant to this subsection shall be exempt from chapters 76,
16 78, 88, and 89.

17 (e) The board of regents shall submit a report, detailing
18 each instance of independent counsel retained by contract,
19 including the amount of and reason for the contract, to the
20 legislature no later than twenty days prior to the convening of
21 each regular session."



1 SECTION 3. This Act shall not be applied so as to impair
2 any contract existing as of the effective date of this Act in a
3 manner that violates either the Hawaii state constitution or
4 article I, section 10, of the United States Constitution.

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

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



Report Title:

University of Hawaii; Board of Regents; General Counsel;
Attorney General

Description:

Limits the Board of Regents to appointing only one University General Counsel. Requires the University General Counsel to report directly to the Board of Regents. Authorizes the hiring of staff attorneys. Authorizes the Board of Regents to contract with independent attorneys solely in certain, specified cases.
(HB1073 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

