

STAND. COM. REP. NO.

424

Honolulu, Hawaii
February 14, 2013

RE: H.B. No. 1073
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred
H.B. No. 1073 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose of this measure is to help ensure the efficient
and effective handling of legal matters at the University of
Hawaii by, among other things:

- (1) Limiting the Board of Regents to one general counsel and
permitting the contract hire of independent counsel to
instances in which both the University General Counsel
and the Attorney General acknowledge a lack of
sufficient expertise; and
- (2) Requiring the University General Counsel to report
directly to the Board of Regents.

A concerned individual supported this measure. The Office of
the President of the Associated Students of the University of
Hawaii at Manoa, Manoa Faculty Senate Executive Committee, and a
concerned individual opposed this measure. The University of
Hawaii Professional Assembly provided comments.

Your Committee on Higher Education notes concerns expressed
by testifiers that the Legal Affairs and University General
Counsel Office at the University of Hawaii appears to require more

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resources than it currently has and that limiting the University, and more specifically, the Board of Regents to just one general counsel will exacerbate an already difficult situation. As such, your Committee respectfully requests the Committee on Judiciary to inquire about the Office's current budget, the number of attorneys on staff, and the extent to which the Office's services are used throughout the University system and consider such information in its deliberations should this measure move forward.

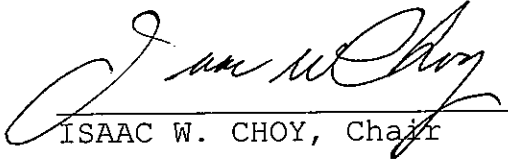
Your Committee has amended this measure by:

- (1) Authorizing the University General Counsel to hire one or more staff attorneys to assist in providing legal services for the University;
- (2) Authorizing the contract of independent attorneys in cases in which the University General Counsel and the Attorney General each acknowledge a conflict of interest;
- (3) Requiring the University General Counsel and Attorney General to acknowledge the lack of sufficient expertise or conflict of interest to the Board of Regents in writing;
- (4) Requiring contracted independent attorneys to consult with the University General Counsel in addition to the Attorney General;
- (5) Requiring the Board of Regents to submit an annual report to the Legislature detailing each contract of independent counsel, including the amount of and reason for the contract;
- (6) Providing that this bill will not impair existing contracts; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1073, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1073, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Higher Education,


ISAAC W. CHOY, Chair



