

JAN 18 2013

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. Section 28-8.3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) No department of the State other than the attorney
4 general may employ or retain any attorney, by contract or
5 otherwise, for the purpose of representing the State or the
6 department in any litigation, rendering legal counsel to the
7 department, or drafting legal documents for the department;
8 provided that the foregoing provision shall not apply to the
9 employment or retention of attorneys:

10 (1) By the public utilities commission, the labor and
11 industrial relations appeals board, and the Hawaii
12 labor relations board;

13 (2) By any court or judicial or legislative office of the
14 State; provided that if the attorney general is
15 requested to provide representation to a court or
16 judicial office by the chief justice or the chief
17 justice's designee, or to a legislative office by the
18 speaker of the house of representatives and the



1 president of the senate jointly, and the attorney
2 general declines to provide such representation on the
3 grounds of conflict of interest, the attorney general
4 shall retain an attorney for the court, judicial, or
5 legislative office, subject to approval by the court,
6 judicial, or legislative office;

7 (3) By the legislative reference bureau;

8 (4) By any compilation commission that may be constituted
9 from time to time;

10 (5) By the real estate commission for any action involving
11 the real estate recovery fund;

12 (6) By the contractors license board for any action
13 involving the contractors recovery fund;

14 (7) By the office of Hawaiian affairs;

15 (8) By the department of commerce and consumer affairs for
16 the enforcement of violations of chapters 480 and
17 485A;

18 (9) As grand jury counsel;

19 (10) By the Hawaiian home lands trust individual claims
20 review panel;

21 (11) By the Hawaii health systems corporation, or its
22 regional system boards, or any of their facilities;



- 1 (12) By the auditor;
- 2 (13) By the office of ombudsman;
- 3 (14) By the insurance division;
- 4 (15) By the University of Hawaii; provided that the
5 University of Hawaii may only employ or retain an
6 attorney as a salaried employee;
- 7 (16) By the Kahoolawe island reserve commission;
- 8 (17) By the division of consumer advocacy;
- 9 (18) By the office of elections;
- 10 (19) By the campaign spending commission;
- 11 (20) By the Hawaii tourism authority, as provided in
12 section 201B-2.5;
- 13 (21) By the division of financial institutions for any
14 action involving the mortgage loan recovery fund; or
- 15 (22) By a department, in the event the attorney general,
16 for reasons deemed by the attorney general to be good
17 and sufficient, declines to employ or retain an
18 attorney for a department; provided that the governor
19 waives the provision of this section."

20 SECTION 2. Section 304A-1005, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) The board of regents may appoint or retain [~~by~~
2 ~~contract~~] one or more attorneys who are independent of the
3 attorney general, to provide legal services for the university,
4 including:

5 (1) Representation of the university in civil actions to
6 which the university is a party, either directly or
7 through the acts or omissions of its officers or
8 employees;

9 (2) Advice and assistance to ensure the lawful and
10 efficient administration and operation of the
11 university;

12 (3) Review and approval of documents relating to the
13 acquisition of land or interest in land by the
14 university; and

15 (4) Any other legal service specified by the board of
16 regents [~~-~~];

17 provided that the board of regents may only appoint or retain an
18 attorney as a salaried employee of the university.

19 The board of regents may fix the compensation of the
20 attorneys appointed pursuant to this section. Attorneys
21 appointed or retained [~~by contract~~] shall be exempt from
22 chapters 76 and 89."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

University of Hawaii; Contract Hire; Attorney

Description:

Removes the authority of the University of Hawaii to retain outside legal counsel on a contract basis to represent the University of Hawaii in litigation, provide legal counsel or advice, draft or review legal documents, or perform any other legal services for the University of Hawaii.

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

