STAND. COM. REP. NO.

Honolulu, Hawaii FEB 0 5 2024

RE: S.B. No. 2655

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred S.B. No. 2655 entitled:

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"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION, "

begs leave to report as follows:

The purpose and intent of this measure is to:

- Allow the Hawaiian Homes Commission to retain independent legal counsel at its discretion; provided that funds owed to independent legal counsel be paid by the Hawaiian Homes Commission with general funds appropriated by the Legislature; and
- (2) Authorize the Hawaiian Homes Commission to use the services of the Attorney General as needed.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and Ho'omana Pono, LLC.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee received comments on this measure from one individual.

Your Committee finds that the Hawaiian Homes Commission is unique among state departments as it has a trust duty to its beneficiaries and in the fulfillment of this trust obligation, the Hawaiian Homes Commission may at times be at odds with the interests of the State. It is at these times that the Hawaiian Homes Commission must be assured that its counsel provides legal service strictly in the interest of its client. This measure will allow the Hawaiian Home Commission to retain independent counsel, which will eliminate any doubts of a conflict of interest that may come with representation by the Attorney General, who also represents the State of Hawaii.

Your Committee recognizes the concerns of the Department of the Attorney General regarding this measure that because of the department's breadth of experience and expertise, it is best suited to provide legal services to state agencies, including the Hawaiian Homes Commission.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2655 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Hawaiian Affairs,

MAILE S.L. SHIMABUKURO, Chair

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Hawaiian Affairs HWN

SB 2 655 Committee Referral: Date: HWN, TDC/WAM 1/30/2024					
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)		\times			
FEVELLA, Kurt (VC)		×			
IHARA, Jr., Les		→			
KEOHOKALOLE, Jarrett		\times			
RICHARDS, III, Herbert M. "Tim"					\times

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TOTAL		4			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow eport Clerk's Office		Pink Drafting Agency		

*Only one measure per Record of Votes