

STAND. COM. REP. NO.

284

Honolulu, Hawaii

FEB 10 , 2025

RE: H.B. No. 1239
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1239 entitled:

"A BILL FOR AN ACT RELATING TO INDEPENDENT LEGAL COUNSEL,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow the Department of Hawaiian Home Lands to retain independent legal counsel as needed;
- (2) Authorize the Department of Hawaiian Home Lands to use the services of the Attorney General as needed; and
- (3) Provide that funds owed to independent legal counsel shall be paid by the State.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and one individual. Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee finds that there are circumstances where the interests of the State and Department of Hawaiian Home Lands may be adversarial and that it is vital and necessary for the Hawaiian Homes Commission to carry out its fiduciary duties to be able to

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retain independent counsel. This measure would further provide the Department of Hawaiian Home Lands with the assurance that its counsel is providing legal advice in the sole interest of the Department.

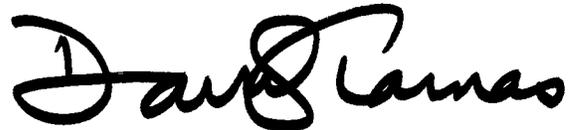
Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider the concerns raised by the Department of the Attorney General in its written testimony submitted to your Committee, stating that an appropriation is necessary if the intent is to pay for attorneys from sources other than the Department of Hawaiian Home Lands' trust funds.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1239, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1239, H.D. 1, and be referred to your Committee on Finance.

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



DAVID A. TARNAS, Chair



