

STAND. COM. REP. NO. 3191

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2607
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 2607 entitled:

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

beg leave to report as follows:

The purpose and intent 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 when the interests of the State and the Department of Hawaiian Home Lands are aligned; and
- (3) Provide that funds owed to independent legal counsel shall be paid by the State.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands. Your Committees received testimony in opposition to this measure from the Department of the Attorney General.

Your Committees find that to fulfill its trust duty to beneficiaries of the Hawaiian home lands trust, the Department of Hawaiian Home Lands must have the authority to hire and retain




legal counsel for the purposes of representing the Department of Hawaiian Home Lands in litigation, rendering legal counsel, and drafting legal documents. Your Committees further find that since the interests of the Department of Hawaiian Home Lands in fulfilling its trust obligations may at times be at odds with the interests of the State, any legal counsel retained by the Department of Hawaiian Home Lands must necessarily be independent of the Department of the Attorney General.

Your Committees have amended this measure by inserting an effective date of July 30, 2075, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2607, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2607, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



