STAND. COM. REP. NO. 3191

Honolulu, Hawaii

MAR 0 4 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:

- 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



STAND. COM. REP. NO. 3191 Page 2

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,

KARL RHOADS, Chair



The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral: Date: HWN, JDC/WAM 03-02-22							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
RHOADS, Karl (C)		~						
KEOHOKALOLE, Jarrett (VC)								
ACASIO, Laura		\checkmark						
GABBARD, Mike		\checkmark						
KIM, Donna Mercado		\checkmark						
LEE, Chris		\checkmark						
FEVELLA, Kurt				~				
		· · · · · · · · · · · · · · · · · · ·						
	··			! 				
				····				
TOTAL		6	-	١	—			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature: Kalhooh								
Distribution: Original File with Committee Re	Yellow Pink Goldenrod port Clerk's Office Drafting Agency Committee File Copy							

*Only <u>one</u> measure per Record of Votes

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral: Date:			/				
SB 2607	HWN, JDC/WAM 3/2/22							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Ауе	Aye (WR)	Nay	Excused			
DELA CRUZ, Donovan M. (C)		×						
KEITH-AGARAN, Gilbert S.C. (VC)		X						
INOUYE, Lorraine R.		X						
KANUHA, Dru Mamo		X						
KIDANI, Michelle N.		X						
MISALUCHA, Bennette E.		X						
MORIWAKI, Sharon Y.		X						
SHIMABUKURO, Maile S.L.		X						
TANIGUCHI, Brian T.			X					
WAKAI, Glenn		X	-					
FEVELLA, Kurt				×				
<u> </u>								
TOTAL	 	9	l	1				
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

*Only <u>one</u> measure per Record of Votes