

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1014
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 1014, S.D. 1, 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) Authorize the Department of Hawaiian Home Lands to retain independent legal counsel where the opposing party to the reasonably anticipated litigation is the State or another state agency; and
- (2) Provide that fees 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 and two individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General and one individual.

Your Committees find that the Department of Hawaiian Home Lands has a trust obligation to faithfully carry out the mission and spirit of the Hawaiian Homes Commission Act of 1920, as amended, for the native Hawaiian beneficiaries. Further, to ensure the Department of Hawaiian Home Lands fulfills its trust obligations to the fullest extent, the Department may, at times,



find strategic plans and alternatives that may not align with other agencies. As a result of its unique history, the Department of Hawaiian Home Lands should be allowed to utilize legal counsel that will best represent the interests of the client, the native Hawaiian people. This measure authorizes the Department of Hawaiian Home Lands to continue its mission to effectuate the purposes of the Hawaiian Homes Commission Act of 1920, as amended.

Your Committees have amended this measure by inserting an effective date of March 22, 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. 1014, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1014, S.D. 2.

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



DONOVAN M. DELA CRUZ, Chair



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1014 SDI	Committee Referral: HWN, JDC/WAM	Date: 3/3/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

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 one measure per Record of Votes

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1014 SD1	HWN, JDC/WAM	3/3/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt				X
TOTAL	12			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes