

STAND. COM. REP. NO.

2129

Honolulu, Hawaii

FEB 05 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:

"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:

- (1) 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,



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MAILE S.L. SHIMABUKURO, Chair



