

STAND. COM. REP. NO.

2374

Honolulu, Hawaii

FEB 06 2020

RE: S.B. No. 2391

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 2391 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 or the Department of Hawaiian Home Lands to retain independent legal counsel as needed;
- (2) Authorize the Hawaiian Homes Commission and the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State, Hawaiian Homes Commission, and Department of Hawaiian Home Lands are aligned; and
- (2) Provide that funds paid to independent legal counsel shall be paid by the State.

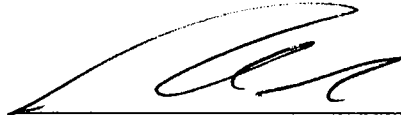
Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Ka Lāhui Hawai'i Political Action Committee, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General.



Your Committee finds that the Hawaiian Homes Commission and Department of Hawaiian Home Lands have a trust duty to their native Hawaiian beneficiaries and in the fulfillment of this trust obligation, the Hawaiian Homes Commission and Department of Hawaiian Home Lands may at times take positions adverse to the positions taken by the State. It is at these times that the Hawaiian Homes Commission must be assured that it receives legal counsel strictly in the interest of its client. This measure will allow the Hawaiian Homes Commission and Department of Hawaiian Home Lands to either retain independent counsel to be paid for by the State when interests are at odds, or use the Attorney General's office when their interests in the matter is aligned.

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. 2391 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,



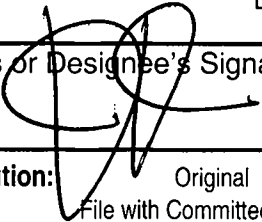
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MAILE S.L. SHIMABUKURO, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:* <b>SB 2391</b>	Committee Referral: <b>HWN, JDC/WAM</b>	Date: <b>1/30/20</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	✓			
KAHELE, Kaiali'i (VC)	✓			
IHARA, Jr., Les	<del>✓</del> <b>KX</b>	✓		
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>1</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes