

STAND. COM. REP. NO. 112

Honolulu, Hawaii

FEB 09 2023

RE: S.B. No. 1014
S.D. 1

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

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 1014 entitled:

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

begs 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 and to retain the services of the Attorney General on an
as-needed basis.

Your Committee received testimony in support of this measure
from the Department of Hawaiian Home Lands, Sovereign Council of
Hawaiian Homestead Associations, Keaukaha Pana'ewa Farmers
Association, and one individual. 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 Department of Hawaiian Home
Lands is unique in its genesis through the Hawaiian Homes
Commission Act of 1920, as amended. Further, the Department of
Hawaiian Home Lands has a fiduciary duty to its beneficiaries in
the fulfillment of its trust obligation. Given this unique and
significant history, the Department of Hawaiian Home Lands and
other state agencies will, at times, have different strategic
objectives and policies on issues that are culturally sensitive to



the Native Hawaiian people. Therefore, this measure allows the Department of Hawaiian Home Lands to retain independent legal counsel and to retain the services of the Attorney General on an as-needed basis.

Your Committee has heard testimony from the Department of the Attorney General, which provided assurances that safeguards were already in place to ensure zealous representation and to avoid conflicts of interest. Your Committee has also heard testimony from the Department of Hawaiian Home Lands emphasizing that certain issues, such as those involving Mauna Kea, necessarily require counsel to view issues through a Native Hawaiian lens. In acknowledgment of these discussions, your Committee has amended this measure by:

- (1) Limiting the Department of Hawaiian Home Lands' ability to retain independent counsel to situations where the opposing party to the reasonably anticipated litigation is the State or another state agency; and
- (2) Amending section 1 to reflect its amended purpose.

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. 1014, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1014, S.D. 1, 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,

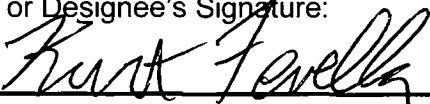


MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* SB 1014	Committee Referral: HWN, JDC/WAM	Date: 02/02/2023		
<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
SHIMABUKURO, Maile S.L. (C)	X			
FEVELLA, Kurt (VC)	X			
IHARA, Jr., Les	X			
KEOHOKALOLE, Jarrett	X			
RICHARDS, III, Herbert M. "Tim"	X			
TOTAL	5	-	-	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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**