

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT LEGAL COUNSEL.

PURPOSE: To allow the Hawaiian Homes Commission to retain independent legal counsel to be paid by the State and also use the services of the Attorney General as needed.

MEANS: Amend section 28-8.3(a) and (c), Hawaii Revised Statutes.

JUSTIFICATION: The Hawaiian Homes Commission has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, 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 guidance strictly in the interest of its client. Independent counsel that is hired and retained by the Hawaiian Homes Commission eliminates any cloud of uncertainty that there is a conflict of interest that the Hawaiian Homes Commission is represented by the Department of the Attorney General that also represents the State of Hawaii.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Hawaiian Homes Commission to retain independent legal counsel.

Impact on the department and other agencies: This proposal could reduce the legal services provided by the Department of the Attorney General.

GENERAL FUND: \$500,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.