

STAND. COM. REP. NO.

17

Honolulu, Hawaii

FEB 04 2019

RE: S.B. No. 921

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 921 entitled:

"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL,"

begs leave to report as follows:

The purpose and intent of this measure is to establish in the Department of the Attorney General a division dedicated exclusively to providing legal advice regarding Hawaiian shoreline public access rights to the Governor, executive departments, boards and commissions, and the Legislature and its members.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and three individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that an understanding of the scope of public access shoreline Hawaii (PASH) rights and their relation to native Hawaiian traditional and customary rights protected under Article XII, section 7, of the Hawaii State Constitution, is critical to the fair and even-handed application of relevant law by the legal staff of the Department of the Attorney General and



other government entities that are obligated to apply the law relating to PASH rights. Therefore, your Committee finds that it is proper to establish a division of deputy attorneys general with the appropriate educational background and training in the Hawaiian language and Hawaiian culture.

Your Committee has heard the concerns of the Department of the Attorney General regarding a separation of powers issue in requiring the Department of the Attorney General to request a separate line item in the budget for the division contemplated by this measure. Accordingly, your Committee has amended this measure by:

- (1) Deleting the language requiring the budget line item request and instead making a direct appropriation from general revenues for fiscal year 2020-2021 for the establishment of the division;
- (2) Making the appropriation effective on July 1, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 921, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 921, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

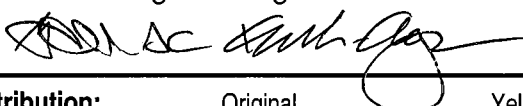
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


KAINALI'I KANELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB921	Committee Referral: WTL, JDC/WAM	Date: 01/30/19		
<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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	4			1
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