

JAN 18 2019

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that an understanding of
2 the scope of Hawaiian shoreline public access rights law in the
3 State of Hawai'i is critical to the fair and even-handed
4 application of relevant law by the legal staff of the department
5 of the attorney general.

6 Further, executive departments, boards, and commissions are
7 obligated to properly apply the law of the State of Hawai'i,
8 including shoreline public access rights, on matters relevant to
9 their executive and administrative decision-making. Therefore,
10 the legislature finds that the State of Hawai'i should provide
11 such legal advice through a division of deputy attorneys general
12 with the appropriate educational background and training in the
13 Hawaiian language and Hawaiian culture.

14 SECTION 2. Section 26-7, Hawaii Revised Statutes, is
15 amended to read as follows:



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1 "§26-7 Department of the attorney general. (a) The
2 department of the attorney general shall be headed by a single
3 executive to be known as the attorney general.

4 (b) The department shall administer and render state legal
5 services, including furnishing of written legal opinions to the
6 governor, legislature, and such state departments and officers
7 as the governor may direct; represent the State in all civil
8 actions in which the State is a party; approve as to legality
9 and form all documents relating to the acquisition of any land
10 or interest in lands by the State; and, unless otherwise
11 provided by law, prosecute cases involving violations of state
12 laws and cases involving agreements, uniform laws, or other
13 matters which are enforceable in the courts of the State. The
14 attorney general shall be charged with such other duties and
15 have such authority as heretofore provided by common law or
16 statute.

17 (c) There shall be within the department of the attorney
18 general a commission to be known as the commission to promote
19 uniform legislation which shall sit in an advisory capacity to
20 the attorney general and to the legislature on matters relating
21 to the promotion of uniform legislation. The composition of the



1 commission shall be as heretofore provided for the commission to
2 promote uniform legislation existing immediately prior to
3 November 25, 1959. The members of the commission shall be
4 nominated, and by and with the advice and consent of the senate,
5 appointed by the governor for terms of four years each, provided
6 that each member shall hold office until the member's successor
7 is appointed and qualified; and provided also that the
8 provisions of section 26-34, limiting the appointment of members
9 of boards and commissions to two terms and the duration of
10 membership to not more than eight consecutive years shall not be
11 applicable.

12 The functions and authority heretofore exercised by the
13 attorney general, high sheriff, and the commission to promote
14 uniform legislation as heretofore constituted are transferred to
15 the department of the attorney general established by this
16 chapter.

17 (d) There is established in the department of the attorney
18 general a division dedicated exclusively to providing legal
19 advice regarding Hawaiian shoreline public access rights to the
20 governor, executive departments, boards, and commissions and the
21 legislature and its members.



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1 The division shall have a staff of at least three deputy
 2 attorneys general with at least four years of formal education
 3 in the Hawaiian language and Hawaiian culture. The division
 4 shall also have one or more staff members who have at least a
 5 baccalaureate degree in Hawaiian studies, Hawaiian history, or
 6 the equivalent, to assist the division's attorneys.

7 (e) For purposes of this section, "Hawaiian shoreline
 8 public access rights" includes the traditional Hawaiian rights
 9 to gather firewood, house timber, aho cord, thatch, and ki leaf;
 10 to access drinking water and running water; to have right of way
 11 to the ocean and shoreline; any other such rights so recognized;
 12 and any related or similar rights."


13 SECTION 3. Beginning with the 2020-2021 fiscal year, the
 14 department of the attorney general shall request as a separate
 15 line item in the budget the sum of \$400,000 or so much thereof
 16 as may be necessary per fiscal year to fund the annual operating
 17 costs of the division established pursuant to section 2.

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____




S.B. NO. 921

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S.B. NO. 921

Report Title:

Department of the Attorney General; Hawaiian Shoreline Public Access Rights

Description:

Creates a division within the Department of the Attorney General to provide legal advice regarding Hawaiian shoreline public access rights.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

