THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

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

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

SECTION 2. Section 26-7, Hawaii Revised Statutes, is
amended to read as follows:
"§26-7  Department of the attorney general.  (a) The department of the attorney general shall be headed by a single executive to be known as the attorney general.

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

(c) There shall be within the department of the attorney general a commission to be known as the commission to promote uniform legislation which shall sit in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. The composition of the
commission shall be as heretofore provided for the commission to
promote uniform legislation existing immediately prior to
November 25, 1959. The members of the commission shall be
nominated, and by and with the advice and consent of the senate,
appointed by the governor for terms of four years each, provided
that each member shall hold office until the member's successor
is appointed and qualified; and provided also that the
provisions of section 26-34, limiting the appointment of members
of boards and commissions to two terms and the duration of
membership to not more than eight consecutive years shall not be
applicable.

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

(d) There is established 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.
The division shall have a staff of at least three deputy attorneys general with at least four years of formal education in the Hawaiian language and Hawaiian culture. The division shall also have one or more staff members who have at least a baccalaureate degree in Hawaiian studies, Hawaiian history, or the equivalent, to assist the division's attorneys.

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

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $400,000 or so much thereof as may be necessary for fiscal year 2020-2021 for the division established pursuant to section 2.

The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 4. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval; provided that section 3 shall take effect on July 1, 2019.
Report Title:
Department of the Attorney General; Hawaiian Shoreline Public Access Rights; Appropriation

Description:
Creates a division within the Department of the Attorney General to provide legal advice regarding Hawaiian shoreline public access rights. Makes an appropriation. (SD1)

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