

STAND. COM. REP. NO. 121

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 218
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Public Safety and Military Affairs, to which was referred S.B. No. 218 entitled:

"A BILL FOR AN ACT RELATING TO IOLANI PALACE,"

beg leave to report as follows:

The purpose of this measure is to transfer law enforcement jurisdiction over the Iolani Palace from the Department of Land and Natural Resources to the Department of Public Safety.

Testimony providing comments on this measure was submitted by one state agency and one organization. Two state agencies submitted testimony in opposition. Copies of written testimony are available for review on the Legislature's website.

Your Committees find that it is not the intent of this measure to transfer:

- (1) The management functions of the Department of Land and Natural Resources relating to historical preservation for Iolani Palace. Rather, this measure is limited to transferring the law enforcement functions over the grounds and the building of the Iolani Palace; or
- (2) The rulemaking authority of the Department of Land and Natural Resources.



Law enforcement jurisdiction over the grounds of the Iolani Palace currently resides with the Department of Land and Natural Resources as a public park. The Division of Conservation and Resources Enforcement (DOCARE), the law enforcement division of the Department of Land and Natural Resources, is stretched thin due to the vast array of public land over which it has enforcement jurisdiction, including public parks, forests, beaches, and oceans. This measure will enable DOCARE officers to be available to attend to other necessary tasks of their Division. In this regard, your Committees find the specialization of DOCARE offices are better applied to the areas of forests, beaches, and oceans. Furthermore, the Department of Public Safety, Sheriffs' Division, has jurisdiction over the State Capitol, which is adjacent to the Iolani Palace buildings and grounds. Due to the physical proximity of the State Capitol to Iolani Palace, the Department of Public Safety's participation in law enforcement at the Palace is logical.

Additionally, DOCARE presently has overlapping jurisdiction over Iolani Palace. The Department of Public Safety sheriffs and the Honolulu Police Department officers offer assistance to DOCARE officers when they are unable to respond to Iolani Palace disturbances with sufficient numbers. Thus, removing the Iolani Palace from DOCARE's jurisdiction permits the Department of Public Safety to have a greater role in the protection of the Iolani Palace. Your Committees note that the Honolulu Police Department has a station near the Iolani Palace, and thus may also be a more suitable enforcement agency for the Iolani Palace buildings and grounds.

Your Committees have amended this measure by:

- (1) Amending the effective date to July 1, 2050 for the purpose of encouraging further discussion; and
- (2) Making technical, nonsubstantive changes to add missing statutory language.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Public Safety and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 218, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 218,



S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Public Safety and
Military Affairs,



WILL ESPERO, Chair



CLAYTON HEE, Chair



Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB 218	Committee Referral: WTL/PSM, JGO	Date: 11-13-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani				X
GABBARD, Mike	X			
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.				X
HEMMINGS, Fred				X
TOTAL	4			3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**