

STAND. COM. REP. NO.

1359

Honolulu, Hawaii

APR 16 2009

RE: S.C.R. No. 173
S.D. 1

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

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.C.R. No. 173 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE KAUAI POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING REGARDING THE ENFORCEMENT OF STATE LAWS AND COUNTY ORDINANCES AT ANAHOLA AND ALIOMANU BEACH AREA,"

begs leave to report as follows:

The purpose of this measure is to request the Department of Land and Natural Resources, the Department of Hawaiian Home Lands, and the Kauai Police Department to enter into a memorandum of understanding regarding the enforcement of state laws and county ordinances at Anahola and Aliomanu Beach area.

Testimony in support of this measure was submitted by five public citizens. Two state agencies supported the intent of this measure. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the Anahola and Aliomanu Beach area is the site of frequent nuisance activities including noisy gatherings, illegal bonfires, suspected illegal drug activity, and vehicular traffic on the beach. The Department of Land and Natural Resources has jurisdiction of the submerged areas, the Department of Hawaiian Home Lands has jurisdiction over the remaining portions but no law enforcement personnel on Kauai, and

2009-2095 SCR SSCR SMA.doc




the Kauai Police Department does not have the proper equipment to perform law enforcement activities on the sand portion of the beach area. The residents of the Anahola-Aliomanu Community have raised their concerns to the involved departments, however, the jurisdictional problems remain. This measure will ensure that the departments work together to develop a memorandum of understanding to compromise for the enforcement of state laws and county ordinances.

Your Committee has amended this measure by adopting the recommendation of the Department of Land and Natural Resources, and requesting the Department of Hawaiian Home Lands to submit a copy of the memorandum of understanding and findings and recommendations to the Legislature.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 173, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 173, S.D. 1.

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

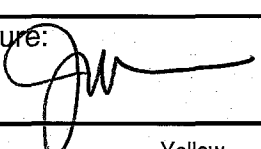


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 173	WTL	4/6/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<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
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert	✓			
FUKUNAGA, Carol				✓
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.				✓
HEMMINGS, Fred				✓
TOTAL	4	0	0	0
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