



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2618, S.D. 1, RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

**BEFORE THE:**

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**DATE:** Tuesday, March 15, 2022                      **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 325, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
David L. Williams, Deputy Attorney General

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Chair Lowen and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill.

The purposes of this bill are to: (1) establish and fund an environmental investigative hotline pilot project through the Department's Investigations Division to implement and manage an investigative hotline for Molokai residents to report environmental concerns on Molokai, (2) establish and fund one full-time investigator from the Department's Investigations Division on the island of Molokai to investigate environmental concerns, and (3) require the Department's Investigations Division to submit a report of its findings and recommendations relating to the pilot project, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the regular session of 2023.

The Department believes that an environmental investigative hotline is possibly impracticable and duplicative for the following reasons. The Maui Police Department (MPD) serves Maui County, which consists of six districts across three islands, including Molokai (District V of the Maui Police Department). The Molokai police station has rotating patrol watches, consisting of one sergeant and two patrol officers, that enforce twenty-four hours a day, seven days a week. MPD's Molokai police, hereinafter "Molokai police," serve to ensure the health and safety of Molokai residents and operate a full-service police department for the entire island and are very familiar with the local landmarks used to guide them to the applicable scenes. Also, the Molokai police

respond to complaints, initiate investigations by conducting interviews, process crime scenes, take photographic evidence, recover and preserve physical evidence, and write necessary reports. In the event a case must later be handled by other county, state, or federal agencies, the Molokai police evidence and reports are forwarded to the appropriate agencies. The Molokai police reports become "connecting reports" to the ultimate county, state, or federal agency, a practice very common in law enforcement and the criminal justice system.

Additionally, the Department of Land and Natural Resources (DLNR) has two Division of Conservation and Resource Enforcement (DOCARE) officers stationed full time on the island, one enforcement officer and one supervisor. The Molokai DOCARE officers field calls from an existing hotline (808) 643-DLNR, investigate conservation crimes, contact Molokai police if assistance is needed, contact the Department of Health if hazardous materials or other environmental matters are discovered, and also contact the Environmental Protection Agency, if needed. Moreover, DOCARE officers are trained to take photographic evidence, obtain witness statements, preserve physical evidence, issue citations, and write reports – all of which can be forwarded as connecting reports to any appropriate agencies, if applicable. Most importantly, Molokai DOCARE officers are also intimately familiar with the island local geography that may guide them to applicable scenes promptly.

Thus, because the Molokai police and Molokai DOCARE officers already receive calls and provide immediate response, there does not appear to be a need for an investigative hotline managed by the Department's Investigations Division.

Also, according to the Department's Investigations Division, in the past eight years there have only been two cases from Molokai, one focused on a Molokai Department of Education corruption investigation and one on a Veteran's Affairs case. The cost of a full-time Special Agent is not supported by the anticipated need and work demand.

If the Department is required to station a permanent investigator on Molokai, it would require that a permanent workplace and accommodations be set up, including renting office space, purchasing office equipment, setting up an interview room with

related equipment, providing for evidence storage, installing a security system, and acquiring parking. The current ability to share or borrow space from sister agencies only when needed, including those on Molokai, is more fiscally practical, especially in light of the very small number of cases from Molokai.

Accordingly, based on the aforementioned concerns, establishing a hotline does not appear to be necessary because of the existing available agencies already on Molokai who can immediately respond to environmental calls, and establishing a full-time investigator from the Department to be stationed on Molokai would not be practical or fiscally sound.

It is highly recommended that the Legislature consider passing House Bill No. 2171 or its companion Senate Bill No. 3139 relating to the proposed state Department of Law Enforcement. The new statewide law enforcement agency anticipates having an investigative presence in each and every county and might be able to offer solutions to address the issues raised in this bill.

For these reasons, the Department respectfully opposes this bill.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



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BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
ON  
SENATE BILL NO. 2618, S.D. 1

**March 15, 2022**  
**9:00 a.m.**  
**Room 325 and Videoconference**

RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2618, S.D. 1, appropriates an unspecified amount of general funds and adds one full-time equivalent position in FY 23 for the Department of the Attorney General for an environmental investigative hotline pilot project.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

**SB-2618-SD-1**

Submitted on: 3/13/2022 4:01:44 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Comunist Propaganda!!