HB 3618
RELATING TO THE ENVIRONMENTAL INTERVENOR

House Committee on Energy and Environmental Protection

Public Hearing - February 6, 1992
8:00 a.m., Rm 1310 SOT

By
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HB 3618 would establish an office of the environmental intervenor, an appointed deputy attorney general who is empowered to take legal and other actions to protect the public trust and to enforce the State's environmental Laws.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

As we have noted in prior testimony on HB 2683, we generally favor the establishment of an office of the environmental intervenor. However, we feel that, pursuant to the successful model provided by the Wisconsin Public Intervenor's office, it would be more appropriate to locate this responsibility within the Attorney General's office. However, the authors of this bill seem to feel that such an arrangement is not advisable, and we are willing to accept their judgment. The interim placement of the intervenor in the department of Budget and Finance seems unorthodox, but probably not of great concern.

We have greater concerns over the method of appointment of the intervenor. Why must all candidates for the position be deputy attorney generals? It would not seem unreasonable to broaden the field of potential applicants to include attorneys outside of government. Also, we suggest that the environmental council, as presently organized, lacks the expertise necessary to function in an advisory capacity to the environmental intervenor. However, a new council, created following the model proposed in the Center's EIS study, would be appropriately configured and would have adequate staff to function effectively in this role.