

Honolulu, Hawaii

APRIL 27, 2006

RE: S.B. No. 2929
H.D. 1
C.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2929, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

Your Committee on Conference finds that the requirements for selecting members to the Land Use Commission ensure that there is geographic diversity among Commission members. This process does not preclude the nomination of any individual with unique qualifications, such as substantial experience or expertise in traditional Hawaiian land usage or knowledge of cultural land practices. However, there are no individuals with these specific qualifications currently serving on the Commission, and no requirement that there be anyone with such qualifications.

Currently, this measure contains specific instances that show how a person may have substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land



practices. However, after deliberating on this matter, your Committee on Conference finds that, while a person's status as a:

- (1) Native Hawaiian kupuna or elder;
- (2) Native Hawaiian kupuna or keeper of sacred principles;
- (3) Traditional expert;
- (4) Practitioner of native Hawaiian land uses; or
- (5) Scholar on traditional Hawaiian language and cultural land practices,

is an excellent method of qualifying experience or expertise, your Committee on Conference further finds that in light of recent court decisions regarding ethnic preferences, it is more appropriate for the qualifications to be ethnically neutral.

Your Committee on Conference notes that the ethnically neutral language used in the Senate's version to add the requirement for one member of the Commission to have substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices is almost identical to the requirements for the Commission on Water Resource Management. Your Committee on Conference further notes that this language was used purposefully because it is ethnically neutral and to date, there has been no indication that the Commission on Water Resource Management has had any difficulty identifying or qualifying new members.

Accordingly, your Committee on Conference has amended this measure by deleting the provision that qualifies a person based on the person's status while retaining the requirement that one member have substantial experience or expertise in this area.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2929, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2929, H.D. 1, C.D. 1.



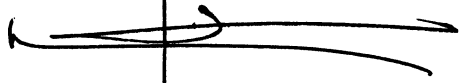
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


EZRA R. KANOHO, Chair


RUSSELL S. KOKUBUN, Chair


COLLEEN HANABUSA, Co-Chair



