

STAND. COM. REP. NO.

2644

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2929

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

Sir:

Your Committees on Water, Land, and Agriculture and Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2929 entitled:

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

beg leave to report as follows:

The purpose of this measure is to require one member of the Land Use Commission to have substantial experience in traditional Hawaiian land usage and knowledge of cultural land practices.

Testimony in support of this measure was submitted by the Ali'i Pauahi Hawaiian Civic Club, the Association of Hawaiian Civic Clubs, the Ho'okipa Network, the Kapolei Civic Club, the Native Hawaiian Hospitality Association, the Oahu Council of the Association of Hawaiian Civic Clubs, the Oahu Council on the Preservation of Historic Sites and Cultural Properties, the Sierra Club, and one individual. Comments were also submitted by the Land Use Commission and the Office of Planning.

Currently, individuals appointed to the Land Use Commission are selected by the Governor and confirmed by the Senate. The requirements for selecting members 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.

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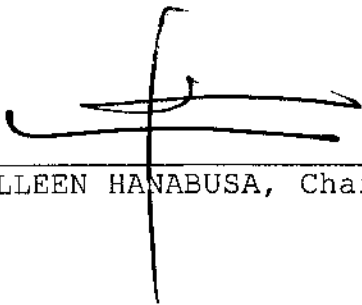


Your Committees noted testimony indicating that the Commission historically has relied on both expert and public testimony provided during the course of its proceedings. However, your Committees find that an additional requirement for one member of the Commission to have specific knowledge or experience contributes to and enhances the State's ability to fulfill its mandate to maintain valued cultural, historical, and natural resources and to preserve and protect the customary and traditional rights of native Hawaiians.

Your Committees also noted a concern that 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 vague and too open to interpretation. However, your Committees further noted that the requirements in this measure are almost identical to requirements for the Commission on Water Resource Management, and to date, there has been no indication that the Commission on Water Resource Management has had any difficulty identifying or qualifying new members.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Judiciary and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2929 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

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



COLLEEN HANABUSA, Chair



RUSSELL S. KOKUBUN, Chair



