

Honolulu, Hawaii

FEB 09 2007

RE: S.B. No. 1540
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1540 entitled:

"A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to ensure the representation on the Board of Land and Natural Resources by a member selected by the Office of Hawaiian Affairs by requiring the Governor to appoint one member from a list of three nominees submitted by the Office of Hawaiian Affairs.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, the Native Hawaiian Legal Corporation, Oahu Council of the Association of Hawaiian Civic Clubs, and two private individuals. Testimony in opposition to this measure was submitted by the Department of Land and Natural Resources, and the Department of the Attorney General.

Your Committee heard testimony presented from the Department of Land and Natural Resources and the Department of the Attorney General that essentially objected to allowing the Office of Hawaiian Affairs to designate a member of the Board of Land and Natural Resources. Your Committee is not entirely persuaded by the reasons given for their objections; however, your Committee believes that in lieu of a designated member, that the Board of Land and Natural Resources should be required to have one or more members with knowledge, experience, or expertise in Native



Hawaiian rights that are customarily and traditionally exercised for subsistence, cultural, and religious purposes as expressed in Article XII, Section 7, of the State Constitution. The Board of Land and Natural Resources, with its responsibilities over land use, coastal zone management, ocean usage, and the management and use of all other natural resources of the State, should seriously take into consideration in its decisions and deliberations, the protection of Native Hawaiian rights that are customarily and traditionally exercised for subsistence and cultural purposes.

Accordingly, your Committee has amended this measure by:

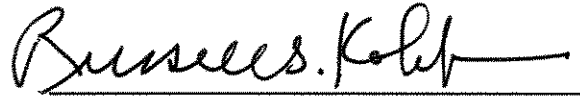
- (1) Deleting language that requires the Governor to appoint one member of the Board of Natural Land and Resources from a list of three nominees submitted by the Office of Hawaiian Affairs, and replacing it with specific language that requires at least one member on the Board of Land and Natural Resources have substantial experience and expertise in traditional Native Hawaiian land, coastal, and ocean management techniques, usage, and practices; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee believes that the amended measure fulfills the intent of the measure to provide and ensure the observation and consideration of Native Hawaiian traditional and cultural land, coastal, and ocean management techniques, uses, and practices on the Board of Land and Natural Resources.

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 is in accord with the intent and purpose of S.B. No. 1540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1540, S.D. 1, and be placed on the calendar for Third Reading.



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



RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

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

Bill / Resolution No.:* SB 1540	Committee Referral: WAH	Date: FEB. 2, 2007		
<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
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	

*Only one measure per Record of Votes