

JAN 22 2007

A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to ensure native
2 Hawaiian representation on the land use commission. The people
3 of the State of Hawaii acknowledged an obligation to the
4 indigenous people of Hawaii by ratifying the 1978 constitutional
5 amendment that compelled the creation of the office of Hawaiian
6 affairs. Subsequently, Act 196, Session Laws of Hawaii 1979,
7 formally created the office of Hawaiian affairs. In
8 establishing the office of Hawaiian affairs, the legislature
9 specified six purposes of the office. One of the purposes
10 empowered the office to:

11 "...Serv[e] as the principal public agency in this State
12 responsible for the performance, development, and
13 coordination of programs and activities relating to native
14 Hawaiians and Hawaiians;...."

15 Section 10-3(3), Hawaii Revised Statutes.

16 The legislature also directed in section 10-13.5, Hawaii
17 Revised Statutes, that: "Twenty per cent of all funds derived



1 from the public land trust...shall be expended by the office"
2 for the betterment of the conditions of native Hawaiians.

3 The public land trust makes up more than ninety-four per
4 cent of all state lands. The sound and prudent management of
5 all state lands and coastal resources is of critical importance
6 to native Hawaiians both as a revenue source for their self-
7 determination and for the preservation of their cultural and
8 religious practices. The State's decisions concerning land use
9 directly affect native Hawaiians. The office of Hawaiian
10 affairs, as the agency charged with the betterment of the
11 conditions of native Hawaiians, needs to contribute to the
12 State's stewardship over these resources. Such a role furthers
13 the original legislative intent mandated in 1979 through section
14 10-3, Hawaii Revised Statutes.

15 This Act provides for the governor to appoint one member of
16 the land use commission, which directly affects the management
17 of Hawaiian land and coastal zone resources, from a list of
18 three nominees submitted by the office of Hawaiian affairs.

19 SECTION 2. Section 205-1, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§205-1 Establishment of the commission.** There shall be a
22 state land use commission, hereinafter called the commission.



1 The commission shall consist of nine members who shall hold no
2 other public office and shall be appointed in the manner and
3 serve for the term set forth in section 26-34. One member shall
4 be appointed from each of the counties and the remainder shall
5 be appointed at large; provided that one member shall have
6 substantial experience or expertise in traditional Hawaiian land
7 usage and knowledge of cultural land practices. At least one
8 member of the commission shall be appointed from, and any
9 vacancy in that member's place on the board filled from, a list
10 of three nominees submitted to the governor by the office of
11 Hawaiian affairs. The commission shall elect its chairperson
12 from one of its members. The members shall receive no
13 compensation for their services on the commission, but shall be
14 reimbursed for actual expenses incurred in the performance of
15 their duties. Six affirmative votes shall be necessary for any
16 boundary amendment.

17 The commission shall be a part of the department of
18 business, economic development, and tourism for administration
19 purposes, as provided for in section 26-35.

20 The commission may engage employees necessary to perform
21 its duties, including administrative personnel and an executive
22 officer. The executive officer shall be appointed by the



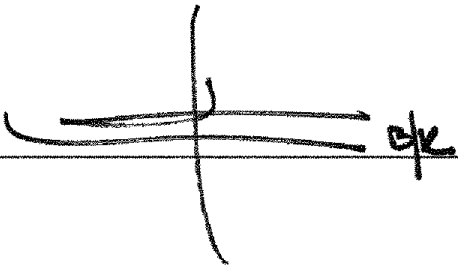
1 commission and the executive officer's position shall be exempt
2 from civil service. Departments of the state government shall
3 make available to the commission such data, facilities, and
4 personnel as are necessary for it to perform its duties. The
5 commission may receive and utilize gifts and any funds from the
6 federal or other governmental agencies. It shall adopt rules
7 guiding its conduct, maintain a record of its activities and
8 accomplishments, and make recommendations to the governor and to
9 the legislature through the governor."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval,
12 and shall apply to the land use commission upon its next
13 vacancy.

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INTRODUCED BY:

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Report Title:

Land Use Commission; Office of Hawaiian Affairs

Description:

Requires the governor to appoint at least one member of the land use commission from a list of three nominees submitted by the office of Hawaiian affairs.

