

JAN 22 2007

A BILL FOR AN ACT

RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES.

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 board of land and natural
3 resources. The people of the State of Hawaii acknowledged an
4 obligation to the indigenous people of Hawaii by ratifying the
5 1978 constitutional amendment which compelled the creation of
6 the office of Hawaiian affairs. Subsequently, Act 196, Session
7 Laws of Hawaii 1979, formally created the office of Hawaiian
8 affairs. In establishing the office of Hawaiian affairs, the
9 legislature specified six purposes of the office. One of the
10 purposes 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;" (Section 10-3(3), Hawaii
15 Revised Statutes)

16 The legislature also directed in section 10-13.5, Hawaii
17 Revised Statutes, that: "Twenty per cent of all funds derived
18 from the public land trust, . . . shall be expended by the



1 office..." for the betterment of the conditions of native
2 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 and the management of coastal zone resources directly affect
10 native Hawaiians. The office of Hawaiian affairs, as the agency
11 charged with the betterment of the conditions of native
12 Hawaiians, needs to contribute to the State's stewardship over
13 these resources. Such a role furthers the original legislative
14 intent mandated in 1979 through section 10-3, Hawaii Revised
15 Statutes. This Act requires the governor to appoint one member
16 of the board of land and natural resources from a list of three
17 nominees submitted by the office of Hawaiian affairs.

18 SECTION 2. Section 26-15, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) The department of land and natural resources shall be
21 headed by an executive board to be known as the board of land
22 and natural resources, except for matters relating to the state



1 water code where the commission on water resource management
2 shall have exclusive jurisdiction and final authority.

3 The board shall consist of seven members, one from each
4 land district and three at large. The appointment, tenure, and
5 removal of the members and the filling of vacancies on the board
6 shall be as provided in section 26-34. At least one member of
7 the board shall have a background in conservation and natural
8 resources, as provided in section 171-4. At least one member of
9 the board shall be appointed from, and any vacancy in that
10 member's place on the board filled from, a list of three
11 nominees submitted to the governor by the office of Hawaiian
12 affairs.

13 The governor shall appoint the chairperson of the board
14 from among the members thereof.

15 The board may delegate to the chairperson such duties,
16 powers, and authority, or so much thereof, as may be lawful or
17 proper for the performance of the functions vested in the board.

18 The chairperson of the board shall serve in a full-time
19 capacity. The chairperson, in that capacity, shall perform
20 those duties, and exercise those powers and authority, or so
21 much thereof, as may be delegated by the board."



1 SECTION 3. Section 171-4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The board of land and natural resources shall be
4 composed of seven members, one from each land district and three
5 at large, to be nominated and, by and with the advice and
6 consent of the senate, appointed by the governor as provided in
7 section 26-34. The term and removal of a member of the board
8 and the filling of a vacancy on the board shall also be as
9 provided in section 26-34. There shall be not more than three
10 members on the board from the same political party. At least
11 one member of the board shall have a background in conservation
12 and natural resources, as evidenced by:

- 13 (1) A college degree in a relevant field, including
14 forestry, wildlife conservation, geology,
15 environmental science, or marine biology; or
16 (2) Work history sufficient to demonstrate an appropriate
17 level of knowledge in the subject of land and natural
18 resources, including parks and recreation, public
19 lands management, natural area reserves, aquatic
20 resources, boating and recreation, forestry and
21 wildlife, water resources management, or conservation
22 and resources.



1 At least one member of the board shall be appointed from,
2 and any vacancy in that member's place on the board filled from,
3 a list of three nominees submitted to the governor by the office
4 of Hawaiian affairs."

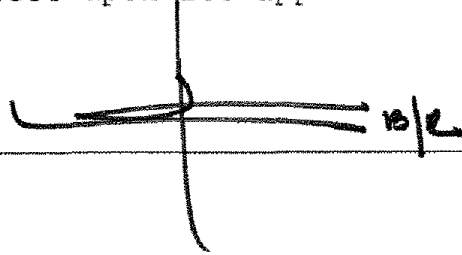
5 SECTION 4. This Act shall apply to the board of land and
6 natural resources upon its next vacancy.

7 SECTION 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.

9

INTRODUCED BY: _____

A handwritten signature in black ink is written over a horizontal line. To the right of the signature, the date "10/2" is written.

Report Title:

Board; Department of Land and Natural Resources

Description:

Requires the governor to appoint at least one member of the board of the department of land and natural resources from a list of three nominees submitted by the office of Hawaiian affairs.

