



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1327, RELATING TO STATE AGENCIES.

**BEFORE THE:**

HOUSE COMMITTEES ON WATER AND LAND AND ON  
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 13, 2013                      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Daniel A. Morris, Deputy Attorney General

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Chairs Evans and Hanohano and Members of the Committees:

The Department of the Attorney General appreciates the objectives of this bill, but we recommend that the bill be revised for consistency.

The purpose of this bill is to increase the membership of the Board of Land and Natural Resources, Commission on Water Resource Management, and Land Use Commission to include a member to represent the interests of the Office of Hawaiian Affairs.

Section 3 (page 4, line 5) of the bill changes from six to eight the number of members of the Land Use Commission who must affirmatively vote in favor of a district boundary amendment. However, section 205-4(h), Hawaii Revised Statute (HRS), still requires an affirmative vote of six members. To resolve this inconsistency, we recommend that the bill be revised to include an amendment to section 205-4(h), HRS, to also require a vote of eight members in order to approve a district boundary amendment.



**HB1327**  
**RELATING TO STATE AGENCIES**  
House Committees on Water and Land and  
Ocean, Marine Resources, and Hawaiian Affairs

February 13, 2013

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** HB1327, which would add a representative from OHA to the Board of Land & Natural Resources (BLNR), the Commission on Water Resource Management (CWRM), and the Land Use Commission (LUC), to provide input on issues relating to Native Hawaiians and Native Hawaiian rights, including the fiduciary and constitutional duties of state agencies respecting the public lands trust and traditional and customary gathering rights.

The BLNR, CWRM, and the LUC administer important programs that carry out the state's responsibility to conserve and manage our natural, water, and land resources on behalf of the people and environment of Hawai'i. As such, many members of these boards possess specific expertise in a number of matters relating to natural resource management, water conservation, and land use controls, among other areas. However, these board members may not necessarily have specific expertise as to the cultural value and significance of the lands and resources they administer, or of their specific fiduciary and constitutional duties relating to Native Hawaiians and the public land trust.

**Adding an OHA representative to these boards will therefore help them to better administer our lands and resources with respect to Native Hawaiian issues and concerns, including traditional and customary cultural practices, the public land trust, and the recognition of Native Hawaiian cultural values that are intrinsically tied to the 'āina.**

In order to better reflect the administrative structure of OHA, OHA respectfully requests the following amendments to page 1, lines 3-6; page 3, lines 3-5; and pages 3-4, lines 20-22 through line 1 of this measure:

Page 1:

“(a) The board of land and natural resources shall be composed of ~~seven~~ nine members, one to be the chief executive officer of the office of Hawaiian affairs, or the chief executive officer’s designee;”

Page 3:

“(2) One member shall be the chief executive officer of the office of Hawaiian affairs, or the chief executive officer’s designee.”

Page 3-4:

“The eleventh member shall be the chief executive officer of the office of Hawaiian affairs, or the chief executive officer’s designee.”

Therefore, OHA urges the Committees to **PASS WITH AMENDMENTS** HB1327.  
Mahalo for the opportunity to testify on this important matter.