

ACT 215

S.B. NO. 981

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:

SECTION 1. The legislature finds that a recent interpretation in a circuit court ruling has drawn into question the meaning of the term “simple majority” for decisions by the board of land and natural resources on permit and site plan approvals in the conservation district under section 183C-6, Hawaii Revised Statutes (HRS). The ruling interpreted the “simple majority” in section 171-5, HRS, as four of the board’s six members, not the generally accepted majority of the board members present at a meeting when a decision is rendered.

The intent of this measure is to:

- (1) Increase the number of members on the board from six to seven, and at-large membership from two to three; and
- (2) Clarify that a simple majority of the members present at a meeting and qualified to vote shall be required for any decision pursuant to section 183C-6(b), HRS.

SECTION 2. Section 171-4, Hawaii Revised Statutes, is amended to read as follows:

“§171-4 Board of land and natural resources; terms and qualifications of members of the board; organization; expenses. The board of land and natural resources shall be composed of [~~six~~] seven members, one from each land district and [~~two~~] three at large, to be nominated and, by and with the advice and consent of the senate, appointed by the governor as provided in section 26-34. The term and removal of a member of the board and the filling of a vacancy on the board shall also be as provided in section 26-34. There shall be not more than three members on the board from the same political party.

Each member shall disclose and file with the board a list of all transactions with the department of land and natural resources in which the member has a direct interest. The member shall also disclose all transactions with the department involving any corporation, association, partnership, or joint venture in which the member is an officer, partner, or employee. Any member having any interest, direct or indirect, in any matter before the board shall disqualify oneself from voting on or participating in the discussion of the matter.

The governor shall select a chairperson of the board from among its members. The chairperson shall call and preside at meetings and may appoint a member of the board as secretary. The members of the board shall choose one of their number to act as chairperson during the absence or disability of the chairperson.

The members of the board shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of their duties.”

SECTION 3. Section 171-5, Hawaii Revised Statutes, is amended to read as follows:

“§171-5 Meetings, regular, special; quorum. Regular meetings of the board of land and natural resources shall be held not less than once a month and the board shall provide in its rules and regulations the number and dates for the regular meetings. Special meetings may be called by the chairperson at any time by giving notice thereof to each member present in the State at least five days prior to the date of the special meeting; provided that notice shall not be required if all members present in the State agree and sign a written waiver of the notice.

However, no final action involving disposition of public lands may be had at such special meeting.

Any action taken by the board shall be by a simple majority of the members of the board[-]; provided that a simple majority of the members present at a meeting and qualified to vote shall be required to allow any decision pursuant to section 183C-6(b). Four members of the board shall constitute a quorum to do business. The board shall keep accurate records and minutes of all meetings, special and regular, and they shall be public records. Copies of portions of the agenda relating to dispositions of land shall be made available to the public in the land office of each district at least three days before the meeting at which the matter will be discussed or voted upon.”

SECTION 4. Statutory material to be repealed is bracketed and stricken.
New statutory material is underscored.

SECTION 5. This Act shall take effect upon approval.

(Approved June 2, 2001.)