
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

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

1 SECTION 1. Section 171-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 ""Director" means the director of land and natural
5 resources."

6 SECTION 2. Section 195D-2, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 ""Director" means the director of land and natural
10 resources."

11 SECTION 3. Section 26-15, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§26-15 Department of land and natural resources.** (a)

14 The department of land and natural resources shall be headed by
15 an executive board to be known as the board of land and natural
16 resources, except for matters relating to the state water code
17 where the commission on water resource management shall have
18 exclusive jurisdiction and final authority.



1 The board shall consist of seven members, one from each
2 land district and three at large. The appointment, tenure, and
3 removal of the members and the filling of vacancies on the board
4 shall be as provided in section 26-34. At least one member of
5 the board shall have a background in conservation and natural
6 resources, as provided in section 171-4.

7 The governor shall appoint the chairperson of the board
8 from among the members thereof.

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

12 The chairperson of the board shall serve in a full-time
13 capacity. The chairperson, in that capacity, shall perform
14 those duties, and exercise those powers and authority, or so
15 much thereof, as may be delegated by the board.

16 (b) The board, by a majority vote of its members, shall
17 appoint and may remove an executive officer to be known as the
18 director of land and natural resources. The director may be
19 appointed for a term of up to four years and may be terminated
20 only for cause. Under policies established by the board, the
21 director shall administer programs relating to land and natural



1 resources throughout the state, and such other programs as may
2 be established by law.

3 ~~[(b)]~~ (c) The department shall manage and administer the
4 public lands of the State and minerals thereon and all water and
5 coastal areas of the State except the commercial harbor areas of
6 the State, including the soil conservation function, the forests
7 and forest reserves, aquatic life, wildlife resources, state
8 parks, including historic sites, and all activities thereon and
9 therein including, but not limited to, boating, ocean
10 recreation, and coastal areas programs.

11 ~~[(e)]~~ (d) The functions and authority heretofore exercised
12 by the commissioner and board of public lands (including the
13 hydrography division and the bureau of conveyances), the Hawaii
14 water authority, the commission on ground water resources, the
15 Hawaii land development authority, the soil conservation
16 committee, and the commission on historical sites and the
17 function of managing the state parks and the function of
18 promoting the conservation, development and utilization of
19 forests, including the regulatory powers over the forest
20 reserve, aquatic life and wildlife resources of the State
21 heretofore exercised by the board of commissioners of
22 agriculture and forestry as heretofore constituted are



1 transferred to the department of land and natural resources
2 established by this chapter."

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

5 **"§171-4 Board of land and natural resources; terms and**
6 **qualifications of members of the board; organization; expenses.**

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

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



1 lands management, natural area reserves, aquatic
2 resources, boating and recreation, forestry and
3 wildlife, water resources management, or conservation
4 and resources.

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

14 (c) The governor shall select a chairperson of the board
15 from among its members. The chairperson shall call and preside
16 at meetings and may appoint a member of the board as secretary.
17 The members of the board shall choose one of their number to act
18 as chairperson during the absence or disability of the
19 chairperson.

20 (d) The board, by a majority vote of its members, shall
21 appoint and may remove an executive officer to be known as the
22 director of land and natural resources. The director may be



1 appointed for a term of up to four years and may be terminated
2 only for cause. Under policies established by the board, the
3 director shall administer programs relating to land and natural
4 resources throughout the state, and such other programs as may
5 be established by law.

6 [~~d~~] (e) The members of the board shall serve without pay
7 but shall be entitled to reimbursement for necessary expenses
8 while attending meetings and while in the discharge of their
9 duties."

10 SECTION 5. Section 194-2, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) The council shall be placed within the department of
13 land and natural resources for administrative purposes only and
14 shall be composed of:

15 (1) The president of the University of Hawaii, or the
16 president's designated representative;

17 (2) The director, or the director's designated
18 representative, of each of the following departments:

19 (A) Business, economic development, and tourism;

20 (B) Health; [~~and~~]

21 (C) Land and natural resources; and

22 (D) Transportation; and



1 (3) The chairperson~~[7]~~ of the board of agriculture, or the
2 chairperson's designated representative~~[7, of each of~~
3 ~~the following departments:~~
4 (A) Agriculture~~; and~~
5 (B) Land and natural resources]."

6 SECTION 6. Section 183C-2, Hawaii Revised Statutes, is
7 amended by deleting the definition of "chairperson".

8 ~~["Chairperson" means the chairperson of the board of land~~
9 ~~and natural resources."]~~

10 SECTION 7. Chapters 190D, 195D, and 200, and sections 6E-
11 43, 6K-5, 36-29.5, 128E-2, 150A-10, 163D-3, 171-6, 171-7, 171-
12 14, 171-22, 171-24, 171-134, 171-135, 174C-6, 174C-7, 184-3.5,
13 184-5.3, 195-6, 198D-7.5, 199-6, 201-102, 201B-2, 205A-42, 206J-
14 4, 227D-2, 248-8, and 302A-1151, Hawaii Revised Statutes, are
15 amended by substituting the words "director of land and natural
16 resources", "director", or like term wherever the words
17 "chairperson of the board of land and natural resources",
18 "chairperson of the board", "chairperson", or like term, appear,
19 as the context requires.

20 SECTION 8. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Jyla B. Berg

JAN 23 2007



Report Title:

Director of Land and Natural Resources; Chairperson of the Board of Land and Natural Resources

Description:

Separates the positions of the Director of Land and Natural Resources and the chairperson of the Board of Land and Natural Resources.

