

STAND. COM. REP. NO. 60

Honolulu, Hawaii

FEB - 7 2023

RE: S.B. No. 81
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 81 entitled:

"A BILL FOR AN ACT RELATING TO NATURAL RESOURCE MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from the Mauna Kea Stewardship and Oversight Authority and three individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the protection of the State's natural resources is of paramount importance. With the enactment of Act 255, Session Laws of Hawaii 2022, the Legislature vested certain natural resource management powers to the newly established Mauna Kea Stewardship and Oversight Authority for lands identified and defined as "Mauna Kea lands". Following a five-year transition period, the Authority will acquire the powers and duties previously held by the Board of Land and Natural Resources as to these Mauna Kea lands.



Your Committee further finds that during this transition period, the law is ambiguous as to whether the Board of Land and Natural Resources or the Mauna Kea Stewardship and Oversight Authority is responsible for Mauna Kea lands that are also designated under the state conservation district. Therefore, this measure clarifies that the Board of Land and Natural Resources will be responsible for Mauna Kea lands designated under the state conservation district.

Your Committee received testimony from the Department of the Attorney General expressing concern that this measure is unclear as to whether the Board of Land and Natural Resources would retain power and jurisdiction over lands designated under the state conservation district pursuant only to chapter 183C, Hawaii Revised Statutes (HRS), or both chapters 171 and 183C, HRS.

Therefore, your Committee has amended this measure by:

- (1) Clarifying that the Board of Land and Natural Resources and the Department of Land and Natural Resources will have power and jurisdiction over lands designated under the state conservation district pursuant to both chapters 171 and 183C, HRS; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 81, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 81, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

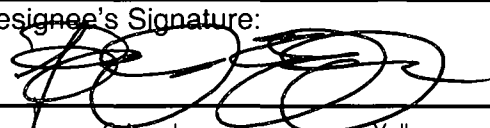
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 81	Committee Referral: WTL, JDC/WAM	Date: 02/01/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.		✓		
FEVELLA, Kurt			✓	
TOTAL	3	1	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes