

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1           SECTION 1. Section 205-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§205-1 Establishment of the commission.** (a) There shall  
4 be a state land use commission, hereinafter called the  
5 commission. The commission shall consist of nine members who  
6 shall hold no other public office and shall be appointed in the  
7 manner and serve for the term set forth in section 26-34. One  
8 member shall be appointed from each of the counties and the  
9 remainder shall be appointed at large; provided that at least  
10 one member shall have substantial experience or expertise in  
11 traditional Hawaiian land usage and knowledge of cultural land  
12 practices[-] and at least one member shall have substantial  
13 experience in the area of water resource management. The  
14 commission shall elect its chairperson from one of its members.  
15 The members shall receive no compensation for their services on  
16 the commission, but shall be reimbursed for actual expenses



1 incurred in the performance of their duties. Six affirmative  
2 votes shall be necessary for any boundary amendment.

3 (b) Appointment of members with substantial experience or  
4 expertise in traditional Hawaiian land usage and knowledge of  
5 cultural land practices shall be made from a list of nominees  
6 submitted by the office of Hawaiian affairs as follows:

7 (1) For vacancies attributable to the expiration of a  
8 term, the list shall be submitted on the first  
9 business day of December before the expiration of the  
10 term; and

11 (2) For a vacancy that occurs during a commission member's  
12 term, the list shall be submitted within ninety  
13 calendar days after the vacancy occurs.

14 [~~(b)~~] (c) The commission shall be a part of the office of  
15 planning and sustainable development for administrative  
16 purposes.

17 [~~(e)~~] (d) The commission may engage employees necessary to  
18 perform its duties, including administrative personnel and an  
19 executive officer. The executive officer shall be appointed by  
20 the commission and the executive officer's position shall be  
21 exempt from civil service. Departments of the state government



1 shall make available to the commission [~~such~~] their data,  
2 facilities, and personnel as are necessary for it to perform its  
3 duties. The commission may receive and utilize gifts and any  
4 funds from the federal or other governmental agencies. It shall  
5 adopt rules guiding its conduct, maintain a record of its  
6 activities and accomplishments, and make recommendations to the  
7 governor and to the legislature through the governor.

8 [~~(d)~~] (e) Notwithstanding any law to the contrary, the  
9 commission shall be exempt from section 26-35 with the exception  
10 of section 26-35(a)(2), (3), (7), (8), and section 26-35(b)  
11 shall apply.

12 [~~(e)~~] (f) The land use commission shall maintain its  
13 independence on matters coming before it to which the office of  
14 planning and sustainable development is a party by establishing  
15 and adhering to the process required by section 225M-2(d)."

16 SECTION 2. Section 225M-2, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 "(c) The land use commission's executive officer, chief  
19 clerk, and employees shall be administratively attached to the  
20 office, and section [~~205-1(e)~~] 205-1(d) shall apply."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Office of Hawaiian Affairs Package; LUC; Boards and Commissions

**Description:**

Amends the composition of the Land Use Commission to require at least one member who has substantial experience and expertise in water resource management and at least one member who has substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices. Requires the Office of Hawaiian Affairs to submit a list of nominees to the Governor for the appointment of a commission member having substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

