

JAN 24 2013

S.B. NO. 1172

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# A BILL FOR AN ACT

RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION.

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

1           SECTION 1. Section 195-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§195-6 Natural area reserves system commission.** There  
4 shall be a natural area reserves system commission, hereinafter  
5 called the "commission." The commission shall consist of  
6 thirteen members who shall be appointed in the manner and serve  
7 for the term set in section 26-34. Six of the members of the  
8 commission shall be persons possessing scientific qualifications  
9 as evidenced by an academic degree in wildlife or marine  
10 biology, botany, forestry, ecology, resource management,  
11 biogeography, zoology, or geology; one member shall be a person  
12 possessing membership in a hiking organization organized in the  
13 State; ~~and~~ one member shall be a person possessing membership  
14 in a hunting organization organized in the State~~[-]~~; and one  
15 member shall be a person possessing a background in native  
16 Hawaiian traditional and customary practices. The chairperson  
17 of the board of land and natural resources, ~~[the superintendent~~

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1 ~~of education,~~ the director of the office of planning, the  
2 chairperson of the board of agriculture and the president of the  
3 University of Hawaii, or their designated representatives, shall  
4 serve as ex officio voting members. The governor shall appoint  
5 the chairperson from one of the appointed members of the  
6 commission. The members shall receive no compensation for their  
7 services on the commission but shall be entitled to  
8 reimbursement for necessary expenses while attending meetings  
9 and while in the discharge of their duties.

10 The commission shall be a part of the department for  
11 administrative purposes as provided in section 26-35.

12 Any action taken by the commission shall be by a simple  
13 majority of its members. Seven members of the commission shall  
14 constitute a quorum to do business.

15 The commission may engage employees necessary to perform  
16 its duties, including administrative personnel, as provided by  
17 section 26-35.

18 The commission shall adopt rules guiding its conduct and  
19 shall maintain a record of its activities and actions."

20 SECTION 2. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.


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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Natural Area Reserves System Commission; Membership

**Description:**

Amends the composition of the Natural Area Reserves System Commission by adding a member possessing a background in native Hawaiian traditional and customary practices, and removing the Superintendent of Education as a member.

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

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION.

PURPOSE: To amend the composition of the Natural Area Reserves System (NARS) Commission by adding a member possessing a background in native Hawaiian traditional and customary practices, and to remove the Superintendent of Education as a member.

MEANS: Amend section 195-6, Hawaii Revised Statutes.

JUSTIFICATION: NARS was established to preserve and protect representative samples of Hawaiian biological ecosystems and geological formations. NARS presently consists of 19 reserves on five islands, encompassing more than 109,000 acres of the State's most unique ecosystems. The diverse areas found in NARS range from marine and coastal environments to lava flows, tropical rainforests, and even an alpine desert. Within these areas one can find rare plants and animals, many of which are on the edge of extinction. NARS also protects some of the major watershed areas which provide our vital sources of fresh water.

The NARS Commission was created to establish criteria to be used in determining whether an area is suitable for inclusion in NARS; recommend to the Governor and the Department areas suitable for inclusion in NARS; establish policies and criteria regarding the management, protection, and permitted uses of areas which are part of NARS; develop ways and means of extending and strengthening presently established preserves, sanctuaries, and refuges with the State; and advise the Department and other public agencies managing state-owned land or

natural resources regarding areas under their respective jurisdictions which are or may be appropriate for designation as natural area reserves. Currently, the NARS Commission is made up of 13 members, six of whom possess scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology, one member whom shall have membership in a hiking organization organized in the State, and one member whom shall possess membership in a hunting organization in the State.

Having an individual with a background in native Hawaiian traditional and customary practices on the NARS Commission will improve the effectiveness of the Commission in overseeing and advising on the management of cultural and archeological resources within natural area reserves.

Upon discussion with the Department of Education, it was concluded that the Superintendent of Education's primary focus is really on educational programs rather than natural resources and land management, and that serving on the NARS Commission involves a heavy time commitment that would be better spent on educational programs. As a result, the Department feels that removing the Superintendent of Education from the NARS Commission would have little detrimental impact, while keeping the current odd number composition of the Commission.

Impact on the public: This bill will improve the effectiveness of the NARS Commission in overseeing and advising on cultural and archaeological resources managed by the Department, particularly within natural area reserves.

Impact on the department and other agencies: This bill will improve the effectiveness of

the NARS Commission in overseeing and advising on cultural and archeological resources managed by the Department, particularly within natural area reserves.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 407.

OTHER AFFECTED  
AGENCIES: Department of Education.

EFFECTIVE DATE: Upon approval.