
A BILL FOR AN ACT

RELATING TO NATURAL RESOURCE MANAGEMENT.

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

1 SECTION 1. The legislature finds that the protection of
2 the State's natural resources is of paramount importance.
3 Pursuant to article XI, section 2, of the Hawaii State
4 Constitution, the legislature has the authority to "vest in one
5 or more executive boards or commissions powers for the
6 management of natural resources owned or controlled by the
7 State". Presently, the department of land and natural
8 resources, under the direction of the board of land and natural
9 resources, remains as the principal agency tasked with natural
10 resource management. However, other executive boards or
11 commissions may share overlapping responsibilities related to
12 natural resource management.

13 With the enactment of Act 255, Session Laws of Hawaii 2022
14 (Act 255), the legislature vested certain natural resource
15 management powers to the newly established Mauna Kea stewardship
16 and oversight authority for lands identified and defined as
17 "Mauna Kea lands" pursuant to Act 255. Following a five-year



1 transition period, the Mauna Kea stewardship and oversight
2 authority will acquire the powers and duties previously held by
3 the board of land and natural resources pursuant to chapter 171,
4 Hawaii Revised Statutes, and the land use commission pursuant to
5 chapter 205, Hawaii Revised Statutes, as pertaining to the Mauna
6 Kea lands. However, this transition period is unclear as to the
7 board of land and natural resources and department of land and
8 natural resources' responsibility for lands within the state
9 conservation district, including lands identified and defined as
10 "Mauna Kea lands". Therefore, further clarification between the
11 Mauna Kea stewardship and oversight authority's and the board of
12 land and natural resources' jurisdiction is needed to protect
13 the State's precious natural resources.

14 Accordingly, the purpose of this Act is to clarify that all
15 powers and duties of the board of land and natural resources and
16 the department of land and natural resources pursuant to
17 chapters 183C and 171, Hawaii Revised Statutes, pertaining to
18 areas designated under the state conservation district on Mauna
19 Kea lands, will be retained and will not be transferred to the
20 Mauna Kea stewardship and oversight authority upon the
21 expiration of the five-year transition period.



1 SECTION 2. Section 183C-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§183C-3[+] Powers and duties of the board and
4 department. (a) The board and department shall:

- 5 (1) Maintain an accurate inventory of lands classified
6 within the state conservation district by the state
7 land use commission, pursuant to chapter 205;
- 8 (2) Identify and appropriately zone those lands classified
9 within the conservation district;
- 10 (3) Adopt rules, in compliance with chapter 91 which shall
11 have the force and effect of law;
- 12 (4) Set, charge, and collect reasonable fees in an amount
13 sufficient to defray the cost of processing
14 applications for zoning, use, and subdivision of
15 conservation lands;
- 16 (5) Establish categories of uses or activities on
17 conservation lands, including allowable uses or
18 activities for which no permit shall be required;
- 19 (6) Establish restrictions, requirements, and conditions
20 consistent with the standards set forth in this
21 chapter on the use of conservation lands; and



1 (7) Establish and enforce land use regulations on
 2 conservation district lands including the collection
 3 of fines for violations of land use and terms and
 4 conditions of permits issued by the department.

5 (b) All powers and duties of the board and department
 6 pursuant to this chapter and chapter 171, pertaining to areas
 7 designated under the state conservation district on Mauna Kea
 8 lands, shall be retained and shall not be transferred to the
 9 Mauna Kea stewardship and oversight authority upon the
 10 expiration of the five-year transition period pursuant to Act
 11 255, Session Laws of Hawaii 2022."

12 SECTION 3. Section 195H-3, Hawaii Revised Statutes, is
 13 amended by amending subsection (b) to read as follows:

14 "(b) The authority shall consist of eleven voting members;
 15 provided that all members listed under paragraphs (4), (5), (6),
 16 (7), (8), (9), and (10) shall be appointed by the governor and
 17 subject to confirmation by the senate pursuant to section 26-34.
 18 If a past member of the University of Hawaii board of regents is
 19 appointed to fill the seat described in paragraph (3), the
 20 appointee shall be subject to confirmation by the senate
 21 pursuant to section 26-34. The chancellor of the University of



1 Hawaii at Hilo shall serve as an ex officio, nonvoting member.

2 The voting members shall include:

3 (1) The chairperson of the board of land and natural
4 resources, or the chairperson's designee;

5 (2) The mayor of the county of Hawaii, or the mayor's
6 designee;

7 (3) The chairperson of the board of regents of the
8 University of Hawaii; provided that the chairperson of
9 the University of Hawaii board of regents, with
10 approval of the board of regents subject to quorum and
11 majority requirements, may designate a:

12 (A) Member of the board of regents; or

13 (B) Past member of the board of regents with
14 experience with Mauna Kea,

15 to serve as the chairperson of the University of
16 Hawaii board of regents' designee;

17 (4) An individual with aina (land) resource management
18 expertise and specific experience with Hawaii island-
19 based management;



- 1 (5) An individual who is recognized as possessing
2 expertise in the fields of p-12 public education or
3 post-secondary education;
- 4 (6) A representative who shall be appointed by the
5 governor from a list of three names submitted by
6 Maunakea Observatories;
- 7 (7) An individual with business and finance experience who
8 has previous administrative experience in managing a
9 large private-sector business;
- 10 (8) An individual who is a lineal descendent of a
11 practitioner of Native Hawaiian traditional and
12 customary practices associated with Mauna Kea;
- 13 (9) An individual who is a recognized practitioner of
14 Native Hawaiian traditional and customary practices;
15 and
- 16 (10) Two members who shall be appointed by the governor
17 from a list of three names submitted for each
18 appointment by the president of the senate and speaker
19 of the house of representatives, respectively;
20 provided that if fewer than three names are submitted



1 for either appointment, the governor may disregard the
2 list;
3 provided further that not less than three of the eleven members
4 of the authority shall be residents of the county of Hawaii.
5 Any designee appointed pursuant to paragraphs (1), (2), or (3)
6 shall serve the entire term of the appointing authority unless
7 the designee resigns from office or is otherwise incapable of
8 serving out the entire term for good cause shown.

9 A majority of all members to which the authority is
10 entitled shall constitute a quorum to do business, and the
11 concurrence of a majority of all members shall be necessary to
12 make any action of the authority valid. All members shall
13 continue in office until their respective successors have been
14 appointed and confirmed by the senate; provided that a member
15 shall not hold over beyond the first legislative session
16 following the expiration of the member's term of service."

17 SECTION 4. Section 195H-7, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) Notwithstanding any law to the contrary, all powers
20 and duties of the board of land and natural resources pursuant
21 to chapter 171, and the land use commission pursuant to chapter



1 205, concerning permits, dispositions, land use approvals, and
2 any other approvals pertaining to the Mauna Kea lands are
3 transferred to the authority upon the expiration of the
4 transition period; provided that the transfer of [~~sueh~~] the
5 powers and duties from the board of land and natural resources
6 and the land use commission may occur earlier, upon approval of
7 the authority, the board of land and natural resources, and the
8 land use commission. Upon the expiration of the transition
9 period, the authority shall carry out the powers and duties
10 otherwise conferred upon the board of land and natural resources
11 pursuant to chapter 171, and the land use commission pursuant to
12 chapter 205, with regard to permits, dispositions, land use
13 approvals, and any other approvals pertaining to the Mauna Kea
14 lands[-]; provided that all powers and duties of the board of
15 land and natural resources and the department of land and
16 natural resources pursuant to chapters 183C and 171, pertaining
17 to areas designated under the state conservation district on
18 Mauna Kea lands, shall be retained and shall not be transferred
19 to the Mauna Kea stewardship and oversight authority upon the
20 expiration of the five-year transition period."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Mauna Kea Stewardship and Oversight Authority; Board of Land and Natural Resources; Conservation District

Description:

Clarifies 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. Specifying that the Chairperson of the University of Hawaii Board of Regents, with approval of the Board of Regents subject to quorum and majority requirements, may designate a member of the Board of Regents or past member of the Board of Regents with experience with Mauna Kea, to serve as the Chairperson of the University of Hawaii Board of Regents' Designee. Effective 7/1/2050. (SD2)

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