



# University of Hawai'i at Mānoa

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SB 463

## RELATING TO THE LAND USE COMMISSION

Senate Committee on Water, Land, and Hawaiian Affairs

Public Hearing, February 1, 1999  
1:00 p.m., Room 225, State Capitol

by

John T. Harrison, Environmental Center  
M. Casey Jarman, Richardson School of Law  
David Penn, Environmental Center

SB 463 would amend Section 205-1, HRS, to specify that one of the non-county members of the LUC be a representative from the Office of Hawaiian Affairs.

Our statement on this measure is compiled from voluntarily submitted opinions of the listed reviewers and does not constitute an institutional position of the University of Hawaii.

Although this idea has merit through incorporation of native Hawaiian perspectives into important resource decision-making issues, two issues are raised by the measure as presently drafted. First, our reviewers note that in order to assure accountability, a trustee and perhaps the Chair, rather than a representative from OHA should be appointed.

The second issue relates to the problem that OHA's make-up may not reflect the full spectrum of opinion of the kanaka maoli, and their presence on the Commission may be used to deny standing to other conflicting Hawaiian viewpoints. This issue may be addressed either by giving the kanaka maoli the ability to intervene as a matter of right, or by inserting language in the bill that their presence doesn't affect standing of other kanaka maoli who can meet standing requirements absent OHA's presence.