

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

October 23, 1975 - 10:00 a.m.

Approved
JAN 12 1976

Room 435 - State Capitol
Honolulu, Hawaii

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Colette Machado
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Gordan Furutani, Planner
Michael Marsh, Deputy Attorney General
Harry Kim, Consultant
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

Chairman Tangen called the meeting to order. It was explained that the meeting today was for the purpose of discussing, among the Commissioners, the proposed amendments to the the Rules of Practice and Procedure and the State Land Use District Regulations as originally drafted, taking into consideration the testimonies received during the public hearings and the additional testimonies submitted to the Commission's office. It was also announced that a handbook will be prepared to clarify some of the necessary language in the Rules and Regulations for the benefit of the general public.

Commissioner Whitesell felt that the language within the body of the Rules and Regulations should be as clear as possible since the public will be referring to this document as the final authority when appearing before the Commission. Therefore, she suggested that the legal language could be included in the section on "Definitions".

Mr. Harry Kim, consultant, cautioned that sometimes a definition of a legal term could be more confusing than the term itself. It was one thing to simplify the meaning in lay terms, but there may also be a legal meaning as interpreted by the Supreme Court. Once a definition becomes part of the Rules, it has the force and effect of law and, in the event of a disagreement, the Rules will have to be amended. Mr. Michael Marsh, Deputy Attorney General, agreed that by virtue of its inclusion in the Rules, a definition becomes the controlling definition.

Commissioner Whitesell maintained that certain terms should be included as definitions in the Rules. Chairman Tangen suggested that the question of whether a definition should be included in the pamphlet or in the formal Rules could be determined during the discussion.

Following the preliminary discussion, the Commission conducted a thorough examination of the amendments to the Land Use Commission's Rules of Practice and Procedure, taking into consideration both the oral and written testimonies that had been received during and following the public hearings. Numerous additions, deletions and amendments were recommended and agreed upon for the first 24 pages of the Rules of Practice and Procedure (see copy on file).

At this point in the meeting, it was suggested that a sub-committee be appointed by the Chairman to deliberate on the remaining sections of the proposed amendments to the Rules of Practice and Procedure and the Land Use District Regulations, and to report back to the full Commission with a recommended document for adoption on October 28, 1975.

Chairman Tangen publicly announced, for the record, that inasmuch as the Commission was unable to conclude its business today, the meeting will be continued tomorrow (October 24, 1975) by the sub-committee at 9:00 a.m. in this same room (Room 435) if it is available, or if unavailable, in Room 428 of the State Capitol. Thereafter, Chairman Tangen appointed Commissioners Duke, Whitesell, and himself to serve on the sub-committee. It was also noted that a representative from the Attorney General's Office will be present at the October 24, 1975 meeting of the sub-committee.

The meeting adjourned at 3:20 p.m.