

STAND. COM. REP. NO.

2670

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2004  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2004 entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,"

begs leave to report as follows:

The purpose of this measure is to establish the Ahu o Laka state monument and prohibit certain activities there.

Testimony in support of this measure was submitted by the Department of Business, Economic Development and Tourism, the Department of Land and Natural Resources, a Kahuna and direct descendent of the ancient Hawaiian Chief Laka, the Keahiakahoe Canoe Club, the Ko'olau Foundation, the Ko'olaupoko Hawaiian Civic Club, and one hundred ninety individuals. Testimony in opposition to this measure was submitted by the State Representative from the 47th District and fourteen individuals.

Recent news articles described out-of-control public concerts occurring on Ahu o Laka (commonly referred to as the Kaneohe sandbar) where fights, disorderly behavior, excessive consumption of alcohol, and overcrowding took place. There were also reports that a lack of restroom facilities forced many concert attendees to relieve themselves in the ocean. These articles and reports raised many concerns in the community regarding the lack of reverence given to and the desecration of this culturally significant and cherished place. Your Committee finds that this behavior is appalling and should be deterred from occurring in the future.

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In hearing testimony in support and opposition to this measure, your Committee noted that one issue is clear and can be agreed upon: out-of-control concerts or gatherings should not be allowed on Ahu o Laka. The testimony in opposition to this measure was overwhelmingly in favor of preserving the recreational visitors' use of the area. Your Committee concurs with this intent and believes that there is a balance between preserving this cultural site, preventing future out-of-control gatherings, and allowing recreational visitors continue to use this area responsibly.

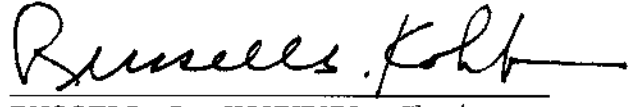
Given the tremendous input from the community, your Committee has amended this measure by:

- (1) Deleting the provision that prohibited commercial activities, the use of sound amplification equipment, and the possession of any intoxicating liquor at Ahu o Laka;
- (2) Requiring the Department of Land and Natural Resources to adopt rules for the protection and maintenance of the Ahu o Laka state monument by:
  - (a) Imposing conditions focused on regulating large gatherings at the Ahu o Laka state monument, taking into consideration safety, security, and sanitary concerns; and
  - (b) Adopting other rules necessary to protect the aesthetic environment and cultural sensitivity of the Ahu o Laka state monument; and
- (3) Making technical, nonsubstantive changes for style.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2004, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2004, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, and  
Agriculture,

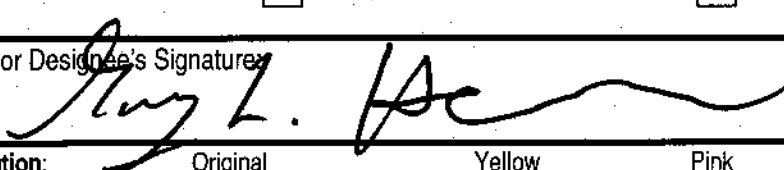


RUSSELL S. KOKUBUN, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Water, Land and Agriculture  
(Bills and Resolutions)

Measure:* <i>SB2004</i>	Committee Referral: <i>WLA</i>	Date: <i>3/1/06</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol	✓			
HEMMINGS, Fred				✓
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

\*Do not list more than one measure per Record of Votes.