

STAND. COM. REP. NO.

1193

Honolulu, Hawaii

MAR 22 2007

RE: H.B. No. 1104  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 1104, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect and preserve the Kohala Historical Sites State Monument in Kohala for future generations to experience and enjoy by requiring the Department of Land and Natural Resources to consult with the Kahuna Nui of the Mo'okini Heiau prior to engaging in any improvements or alterations to the monument.

Specifically, this measure amends section 6E-38.5, Hawaii Revised Statutes, to codify language in the land deed that directs the State to consult with the Kahuna Nui of the Mo'okini Heiau on all matters that pertain to the three historic sites within the Mo'okini Complex area.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources, the Office of Hawaiian Affairs, Kamehameha Schools, and the Mookini Luakini, Inc.

The lands of the Mo'okini Complex are approximately 2.915 acres and were donated to the State by the Kohala Corporation in 1978. Included in the deed is a provision that states, prior to making any alterations or improvements within the Mo'okini Complex



lands, the State "shall consult with the Kahuna Nui of the Mo'okini Heiau. . ." Furthermore, the Kahuna Nui of the Mo'okini Heiau indicated to your Committee that there have been attempts to make the Mo'okini Complex area a paid tourist destination, and the Kahuna Nui is concerned that routine tour groups will desecrate the unspoiled and culturally sacred lands of the Heiau and its surrounding areas.

Thus, your Committee finds that codifying the language in the land deed that directs the State to consult with the Kahuna Nui of the Mo'okini Heiau on all matters pertaining to the Mo'okini Complex area will fulfill the intent of this measure, which is to protect and preserve the Mo'okini Complex in Kohala for future generations to experience and enjoy.

Your Committee has amended this measure by inserting the proper diacritical marks for Mo'okini.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1104, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1104, H.D. 1, 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,  
Agriculture, and Hawaiian  
Affairs,




RUSSELL S. KOKUBUN, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WAH**

Bill / Resolution No.:* <b>HB 1104 HDI</b>	Committee Referral: <b>WAH</b>	Date: <b>3/19/07</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam	X			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 2em; margin-top: 10px;">  </div>				
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\*Only one measure per Record of Votes