

JAN 20 2017

S.B. NO. 640

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# A BILL FOR AN ACT

RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES.

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

1           SECTION 1. (a) The department of land and natural  
2 resources shall develop and implement as a pilot project, a  
3 Hawaiian traditional and customary gathering practices program  
4 at Makua beach on the island of Oahu and on the island of  
5 Hawaii.

6           (b) For the purposes of the Hawaiian traditional and  
7 customary gathering practices program under this Act, the  
8 department of land and natural resources shall:

9           (1) Designate part of Makua beach and an area on Hawaii  
10 island where persons may, in accordance with Hawaiian  
11 traditional and customary gathering practices, plant  
12 and harvest coconut trees cultivated in coconut  
13 groves;

14           (2) Cordon the perimeter boundaries of areas designated  
15 under paragraph (1) and post signs that the enclosed  
16 area is designated for Hawaiian traditional and  
17 customary gathering practices, and that coconut trees



1 cultivated within the area have not been removed for  
2 maintenance purposes and may be removed only in  
3 accordance with paragraph (3);

4 (3) Require that coconut trees cultivated at Makua beach  
5 and on Hawaii island in areas designated under  
6 paragraph (1) may be removed only by persons gathering  
7 items in accordance with Hawaiian traditional and  
8 customary gathering practices;

9 (4) Provide that the activities under paragraph (3) may be  
10 conducted without a special permit or other form of  
11 permission; and

12 (5) Require persons to indemnify the State from any claim  
13 arising from any injury incurred while engaging in  
14 activities under paragraph (3).

15 SECTION 2. The department of land and natural resources  
16 shall submit a report to the legislature, including findings,  
17 recommendations, and draft implementing legislation, on the  
18 Hawaiian traditional and customary gathering practices program  
19 of cultivating coconut groves under section 1 of this Act, and  
20 the feasibility of operating the program in all public parks



1 statewide, no later than twenty days prior to the convening of  
2 the regular session of 2020.

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2017-2018 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2018-2019 to establish and implement the pilot Hawaiian  
8 traditional and customary gathering practices program of  
9 cultivating coconut groves under this Act.

10 The sums appropriated shall be expended by the department  
11 of land and natural resources for the purposes of this Act.

12 SECTION 4. This Act shall take effect on July 1, 2017.  
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INTRODUCED BY: *[Signature]*

*[Signature]* *[Signature]*

*Will Eyo*

*[Signature]*

*Clarence K. Nishikawa*



# S.B. NO. 640

**Report Title:**

Hawaiian Gathering Practices; Public Parks; Pilot Project;  
Coconut Groves; Appropriation

**Description:**

Establishes a pilot project at Makua beach and Hawaii island to designate areas in public parks for planting and growing coconut trees for Hawaiian traditional and customary gathering practices. Appropriates funds for the pilot project.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

