

STAND. COM. REP. NO.

884

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 640  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 640, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish and appropriate funds for a model project on land mauka of Makua beach for a coconut grove to be cultivated in accordance with Hawaiian traditional and customary gathering practices.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Ho'omana Pono, LLC.; Hydroponics Alternatives LLC; 'Ai Pohaku, and ten individuals.

Your Committee received comments on this measure from Department of the Attorney General, Protectors of Paradise, and one individual.

Your Committee finds that the Makua beach section of Kaena Point state park has been subjected to years of abuse by illegal camping, bonfires, and dumping. Your Committee believes that establishing a model project for Hawaiian traditional and customary gathering practices near Makua beach will help to




support restoration of the area and develop practices for future Hawaiian cultural projects.

Your Committee recognizes concerns expressed that this measure, as currently drafted, potentially violates Article XI, section 5, of the Constitution of the State of Hawaii by proposing a special law applicable to a specific portion of land, the land directly mauka of Makua beach. Accordingly, your Committee has amended this measure to be a general law, in compliance with the Constitution of the State of Hawaii, by removing the requirement that the model project be implemented at a specific location and inserting provisions authorizing the Department of Land and Natural Resources to select a site for the model project. Your Committee expressly intends that, by this amendment, the Department of Land and Natural Resources shall have full discretion to select the location for the model project, including the area mauka of Makua beach.

Your Committee has also amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 640, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 640, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
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JILL N. TOKUDA, Chair



