

JAN 23 2020

A BILL FOR AN ACT

RELATING TO TRADITIONAL HAWAIIAN PRACTICES.

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

1 SECTION 1. The legislature finds that native Hawaiians
2 have been farming on lands throughout the Hawaiian islands for
3 nearly two thousand years. They have done so successfully and
4 without creating adverse impacts to the land and ahupua'a in
5 which they operated. Traditional farming and the native
6 Hawaiian culture generally play a vital role in preserving and
7 advancing the quality of life and cultural vitality of Hawai'i.
8 Additionally, the rights of native Hawaiians are codified in
9 articles IX and XII of the Hawaii State Constitution, as well as
10 other state laws and judicial decisions.

11 The legislature further finds that supporting traditional
12 farming is critical towards helping the State achieve food
13 security and increasing domestic production of a local food
14 supply. The State has an affirmative obligation to ensure that
15 its regulatory actions do not adversely impact the
16 constitutionally protected rights of native Hawaiians.

17 The purpose of this Act is to:



- 1 (1) Exempt the traditional and customary practice of kalo
- 2 farming on kuleana lands by native Hawaiians from the
- 3 requisite permit for withdrawal, diversion,
- 4 impoundment, or consumptive use of water; and
- 5 (2) Exempt the traditional and customary practice of kalo
- 6 farming on kuleana lands by native Hawaiians from the
- 7 requisite permit for construction or alteration of a
- 8 stream diversion works.

9 SECTION 2. Section 174C-48, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~§~~174C-48~~§~~ **Permits required.** (a) No person shall
12 make any withdrawal, diversion, impoundment, or consumptive use
13 of water in any designated water management area without first
14 obtaining a permit from the commission. However, no permit
15 shall be required for domestic consumption of water by
16 individual users, and no permit shall be required for the use of
17 a catchment system to gather water. An existing use in newly
18 designated areas may be continued until such time as the
19 commission has acted upon the application subject to compliance
20 with section 174C-51.



1 (b) In its regulation of water resources in designated
2 water management areas, the commission shall delegate to the
3 county boards of water supply the authority to allocate the use
4 of water for municipal purposes, subject to the limits of water
5 supply allocated to the county boards of water supply in their
6 role as water purveyors.

7 (c) No permit shall be required for native Hawaiians
8 conducting the traditional and customary practice of kalo
9 (Colocasia esculenta) farming of kuleana lands."

10 SECTION 3. Section 174C-93, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§174C-93[+] **Permits for construction or alteration.**

13 (a) No person shall construct or alter a stream diversion
14 works, other than in the course of normal maintenance, without
15 first obtaining a permit from the commission. The commission
16 may impose such reasonable conditions as are necessary to assure
17 that the construction or alteration of such stream diversion
18 works will not be inconsistent with the general plan and land
19 use policies of the State and the affected county. Nothing in
20 this section shall be construed to be inconsistent with part IV.



1 A person proposing to construct or alter a stream diversion
2 work shall apply to the commission for a permit authorizing such
3 construction or alteration. The application shall contain the
4 following:

- 5 (1) Name and address of the applicant;
- 6 (2) Name and address of the owner or owners of the land
7 upon which the works are to be constructed and a legal
8 description of such land;
- 9 (3) Location of the work;
- 10 (4) Engineering drawings showing the detailed plans of
11 construction;
- 12 (5) Detailed specifications of construction;
- 13 (6) Name and address of the person who prepared the plans
14 and specifications for construction;
- 15 (7) Name and address of the person who will construct the
16 proposed work;
- 17 (8) General purpose of the proposed work; and
- 18 (9) Such other information as the commission may require.

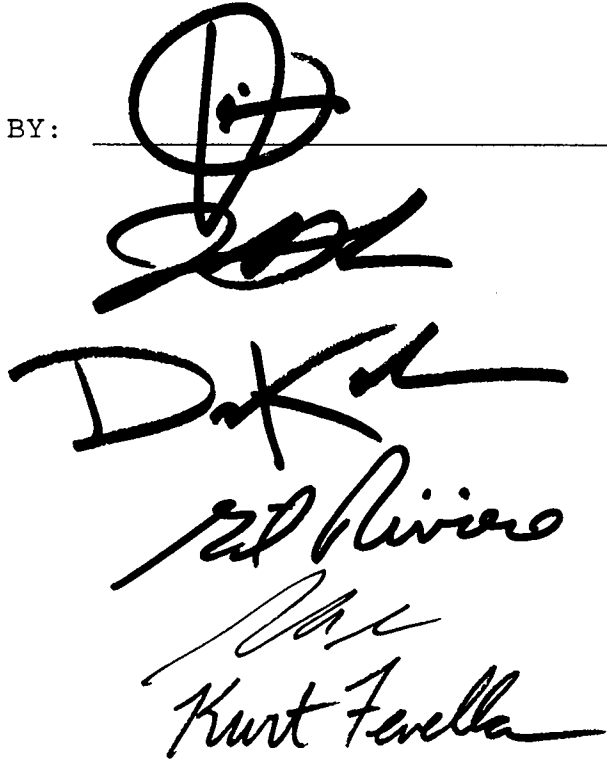
19 (b) No permit shall be required for native Hawaiians
20 conducting the traditional and customary practice of kalo
21 (Colocasia esculenta) farming on kuleana lands."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
4

INTRODUCED BY: _____


A series of handwritten signatures in black ink, stacked vertically. From top to bottom, they appear to be: a stylized signature starting with a large 'D', a signature starting with 'D.K.', a signature that reads 'Ed Liviero', a signature that reads 'Kurt Ferella', and another signature that is partially obscured.



S.B. NO. 3018

Report Title:

Kalo; Farming; Native Hawaiians; Water; Permit; Exempt

Description:

Exempts the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for withdrawal, diversion, impoundment, or consumptive use of water. Exempts the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for construction or alteration of a stream diversion works.

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

