

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1816
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 S.B. No. 1816 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; Mo'okini Luakini, Inc. (the Kahuna Nui of the Mo'okini
Heiau); and one individual.

Three historical sites are part of the Mo'okini Complex at the
Kohala Historical Sites State Monument and includes the Mo'okini
Heiau, the Kamehameha Birthsite, and the Kukuipahu Heiau.
According to the genealogical chant of the Kahuna Nui of the



Mo'okini Heiau, it is estimated that the Heiau was constructed in 480 A.D. Moreover, the Heiau is an artifact from prehistoric Hawaii that reflects the culture and construction capabilities of the Native Hawaiians over one thousand five hundred years ago. The Kamehameha Birthsite is where Kamehameha the Great received his blessings and birthrights in 1758 on the night of his birth. Thus, the Mo'okini Complex is an irreplaceable historical site and a major part of the Kohala Historical Sites State Monument.

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.

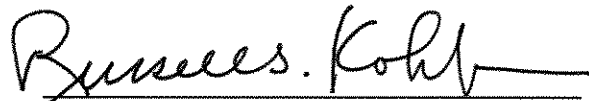
Thus, your Committee finds that codifying the language in the land deed that directs the State to consult with the Kahuna Nui of the Mo'okini Heiau on all matters pertaining to the Mo'okini Complex area will fulfill the intent of this measure, which is to protect and preserve the Mo'okini Complex in 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 S.B. No. 1816, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1816, 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.:* <div style="text-align: center; font-size: 1.2em;">SB 1816</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">WAH</div>	Date: <div style="text-align: center; font-size: 1.2em;">2/21/07</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
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			
TOTAL	4	Ø	Ø	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> </div>				

*Only one measure per Record of Votes