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LATE TESTIMONY

Post-it® Fax Note	767	Dt # 2/8/09	# of pages 1
To Lunette		From S. O'Donnell	
Co./Dept Rep. Sharon Har		Co resounding fax	
Phone #		Phone # 258-6499	
Fax # 586-8504		Fax # 0	

February 7, 2009

House of Representatives
 Committee on Water, Land & Ocean Resources
 Rep. Ken Ito, Chair
 Fax: 586-8504

Re: HB 1708
 Hearing- Monday, February 9, 2009

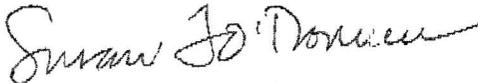
Aloha Rep. Ito,

Thank you for the opportunity to submit testimony regarding the proposed HB 1708 regarding Chapter 171 - Limited right of entry; unencumbered public lands. I have concerns about the language in this bill wherein it may be too restrictive to the public who would want to use State unencumbered public lands for wedding ceremonies.

In November 2008, the Department of Land and Natural Resources (DLNR) implemented an online web system for permitting however there are flaws within the system and inconsistencies that the Department has created. It is our belief that the DLNR has been rule making regarding the terms and conditions of the current right of entry permits.

While the intent of HB 1708 can be supported, I am concerned with the limitations on the size of gathering and set up. These guidelines &/or boundaries should be open for discussion when making the terms & conditions of the permitting process.

Mahalo,



Susan O'Donnell
 Owner

Maui Wedding and Event Professionals

February 8, 2009

LATE TESTIMONY

House of Representatives
Committee on Water, Land and Natural Resources
Rep. Ken Ito, Chair

Re: H.B. NO. 1708

Aloha Representatives Ken Ito, Chair; Sharon E. Har, Vice-Chair; Committee Members,

Thank you so much for this opportunity to convey our qualified objections to this bill in its current form.

While the Maui Wedding and Event Professionals Association appreciate the intentions outlined in this bill, we are concerned about its passage for the following reason.

The recent filing of a lawsuit on behalf of Rev. Laki Kaahumanu and the Maui Wedding and Event Professionals vs State of Hawaii, Department of Land and Natural Resources... (CV-09-00036-SPK (BMK)) in the United States District Court, argues that weddings, as a constitutionally protected expression of religion, free speech and freedom of assembly, do not require and cannot be required to obtain, unduly discretionary permits.

It is the position of MWEPA that weddings, baptisms, vow renewals and memorial services are religious expressions and, as such, cannot be required to apply for "permission" to conduct such services.

This lawsuit is based, in part, on a settlement reached between the state and a Maui wedding company, in 2001.

Further allegations and details of the above referenced settlement contained in this lawsuit are available for viewing online at:

<http://www.mweventpro.com/012609usdistcourt.pdf>.

The settlement is also available for online viewing at:

http://www.mweventpro.com/2001Laki_Barker Settlement.pdf

Essentially, the members of MWEPA would like to see this bill redrafted to permanently remove weddings, vow renewals, baptisms and memorials from any designation or description as a "commercial activity" in accordance with the settlement of 2001 and certain constitutional guarantees and protections.

Thank you for your kind attention.

Ron Winckler
President, MWEPA
email: info@mweventpro.com
phone: 808 874-9899

Testimony for HB1708 on 2/9/2009 9:30:00 AM

oppose

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 08, 2009 7:19 PM

To: WLOtestimony

Cc: [REDACTED]

STATE TESTIMONY

Testimony for WLO 2/9/2009 9:30:00 AM HB1708

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Reverend Jill Carl

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/8/2009

Comments:

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Testimony before the House Committee on Water, Land, and Ocean Resources

Re: H.B.1708 Relating to Public Lands

Monday, February 9, 2009 9:30 a.m.

House conference room 325, State Capitol

Aloha Chair Ito, Vice Chair Har, and Members of the Committee,

Thank you for the opportunity to give testimony on proposed HB170, Chapter 171 – Limited Right of Entry, unencumbered public land.

While I commend the intent of this bill I have concerns about the language and would like to see it rewritten to permanently remove weddings, along with other religious ceremonies, vow renewals, baby christenings, memorial services (with or without the scattering of ashes) from the designation of a commercial activity pursuant to HAR 13-221-2. This rule is vague and ambiguous and does not specify weddings as a commercial activity.

It was determined in a 2001 Settlement Agreement between the DLNR and a Wedding Company that weddings are not commercial activities and therefore do not require a permit to perform a wedding on state unencumbered public lands. We feel that the DLNR is in violation of this 2001 settlement agreement and on January 26, a Complaint for Injunctive and Declaratory Relief was filed in the United States District Court.

The current list of "commercial activities" that require a DLNR permit can be found on first page of the DLNR's Wiki Permit website. (see below) <https://dlnr.ehawaii.gov/permits/welcome.html>

"Commercial activity for which a permit is required would include a beach wedding, a baby christening, the scattering of ashes, or the teaching of a hula class, as possible examples. Commercial activity, pursuant to HAR §13-221-2, "means the use of or activity on state land for which compensation is received by any person for

goods or services or both rendered to customers or participants in that use or activity ... " It is essential that all commercial activity for which a permit is obtained comply with the General Terms and Conditions for Commercial Activity".

Currently, there is a permit system implemented by the DLNR that we in the wedding industry had no real input and feel is restrictive, forced upon us and frankly, unconstitutional. If one does not "agree" with all of the Terms and Conditions, which are arbitrary, restrictive, continually changing and at the complete whim of the current Chair, you cannot get a permit, hence, forced to comply with no real recourse.

Again, the answer to this is to have the DLNR comply with the settlement they agreed to and remove weddings from the designation of a commercial activity.

Mahalo,

Reverend Jill Carl
Owner
Cell: 808-280-0382

WLO TESTIMONY

Testimony for HB1708 on 2/9/2009 9:30:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 08, 2009 8:43 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/9/2009 9:30:00 AM HB1708

Conference room: 325

Testifier position: support

Testifier will be present: Yes

Submitted by: James E. Coon

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/8/2009

Comments:

I support this bill. Please pass it as written.