STAND. COM. REP. NO.



Honolulu, Hawaii

MAR 0 3 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



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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,

Chair



The Senate Twenty-Ninth Legislature State of Hawaiʻi

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	solution No.:* Committee		Referral:		Date:		
SB 640, SD1	HWN/W	HWN/WTL, WAM			3/1/17		
The Committee is re-	considering its	previous c	lecision o	n this me	easure.		
If so, then the previous	decision was to):		<u> </u>			
The Recommendation is:							
Pass, unamended 2312		th amendr 311	ients] Hold 2310	F	lecommit 2313	
Members		Aye	Aye (W	R) N	√ay	Excused	
TOKUDA, Jill N. (C)		~					
DELA CRUZ, Donovan M. (VC)				a e			
ENGLISH, J. Kalani							
GALUTERIA, Brickwood		~					
HARIMOTO, Breene		V					
INOUYE, Lorraine R.						· · · ·	
KAHELE, Kaiali'i		V					
RIVIERE, Gil		V					
SHIMABUKURO, Maile S.L.	· · · · · · · · · · · · · · · · · · ·						
TANIGUCHI, Brian T.						V	
WAKAI, Glenn	···· · ···· · ··· · · · · · · · · · ·			· · ·			
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TOTAL		9				2	
Recommendation:	Not Adopted						
Chair's or Designee's Signa	ture:			·			
Distribution: Original File with Committee		ellow t's Office	Pink Drafting Age	ency		lenrod e File Copy	

*Only one measure per Record of Votes