

STAND. COM. REP. NO. 465 -06

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2858  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 2858 entitled:

"A BILL FOR AN ACT RELATING TO PROTECTION OF CAVES,"

begs leave to report as follows:

The purpose of this bill is to protect natural, historical, and cultural resources by establishing an appeals process for individuals and groups to attain confidential information of cave location or resources.

The Office of Hawaiian Affairs (OHA) testified in support of this bill. The Department of Land and Natural Resources (DLNR) supported this bill with an amendment.

In light of the recent controversy over the disclosure of caves containing historical artifacts, your Committee recognizes the need for legislation that protects cultural resources in a manner that is sensitive to all involved parties. Your Committee notes that DLNR currently has no authority to disseminate confidential information to appropriate organizations that might assist with disposition of sensitive cultural resources.

Accordingly, your Committee has amended this bill by:

- (1) Removing the confidentiality appeals process;

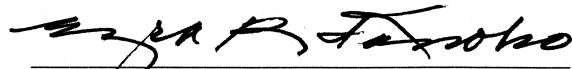
HB2858 HD1 HSCR WLO HMS 2006-1958



- (2) Replacing the appeals process with a provision that allows DLNR to inform OHA, the appropriate Island Burial Council, and recognized descendents of burials located within the land parcel on which the cave is located of the cave location and of sensitive resources; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2858, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,

  
EZRA R. KANOHO, Chair



