

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 1585
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Economic Development and Taxation, to which was referred S.B. No. 1585 entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC SITES,"

beg leave to report as follows:

The purpose of this measure is to protect and aid in the preservation and identification of Native Hawaiian historic sites by requiring a private landowner to notify the Department of Land and Natural Resources prior to removing, excavating, injuring, or destroying a potential Native Hawaiian historic site.

Specifically, this measure:

- (1) Amends chapter 6E, Hawaii Revised Statutes, by adding a new section that:
 - (A) Requires a private landowner to notify the Department of Land and Natural Resources prior to commencing an action that will remove, excavate, injure, or destroy a potential Native Hawaiian historic site on the landowner's property;
 - (B) Requires the Department of Land and Natural Resources, within sixty days from receipt of notice, to review and comment upon the proposed action, and decide whether to approve the proposed action;



- (C) Provides requirements for the landowner to adhere to if the Department of Land and Natural Resources approves or disapproves the proposed action;
 - (D) Permits the Department of Land and Natural Resources to commence condemnation proceedings, if necessary, and permits funds to be expended from the Governor's contingency fund if the Department does not have the necessary funds available to condemn the property to protect the historic site;
 - (E) Provides penalties if a landowner knowingly violates the provisions of the new section; and
- (2) Adds a new definition for "potential Native Hawaiian historic site" under section 6E-2, Hawaii Revised Statutes.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources; the Office of Hawaiian Affairs; and the Mayor, County of Hawaii. Testimony in opposition to this measure was submitted by Kuilima Resort Company, the Society for Hawaiian Archeology, and one individual. The Department of Planning and Permitting, City and County of Honolulu submitted comments.

Native Hawaiian historic properties and sites possess tremendous cultural and educational value and should be preserved for future generations. These sites possess Native Hawaiian history and are tangible and fragile remnants of the past. Your Committees find that requiring private landowners to notify the Department of Land and Natural Resources before commencing in an action that would remove, excavate, injure, or destroy a potential Native Hawaiian historic site on their property will ensure that these sites are protected and preserved.

Your Committees have amended this measure by:

- (1) Clarifying the actions that would trigger the requirement for a landowner to notify the Department of Land and Natural Resources;
- (2) Extending the period for the Department of Land and Natural Resources to review, comment, and approve the



action from sixty days to ninety days as a sixty day timeframe may prove to be unfeasible for the Department to accomplish its review of the historic site and issue an approval;

- (3) Clarifying the definition for "potential Native Hawaiian historic site" by deleting the reference to the year 1850 as it is difficult to determine the exact date of the construction of a historic site, and adding a reference to "older than fifty years" to coincide with similar federal provisions relating to historic properties and sites; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

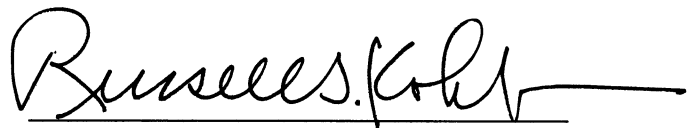
Your Committees recognize that this measure does not create a fool-proof system that will protect invaluable Native Hawaiian historic sites, but it will provide further opportunity to protect these sites before they are lost forever. Thus, your Committees believe that this measure, as amended, fulfills the intent of this measure, which is to protect and aid in the preservation and identification of Native Hawaiian historic sites.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Economic Development and Taxation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1585, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1585, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land,
Agriculture, and Hawaiian
Affairs and Economic
Development and Taxation,



CAROL FUKUNAGA, Chair



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.:* S.B. 1585	Committee Referral: WAH/EDT, WAM	Date: 2/12/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	✓			
TOKUDA, Jill N. (VC)				✓
FUKUNAGA, Carol	✓			
HEE, Clayton	✓			
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Economic Development and Taxation
EDT

Bill / Resolution No.:*	Committee Referral:	Date:
<i>SB 1585</i>	<i>WAH/EDT, WAM</i>	<i>2/12/07</i>
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
FUKUNAGA, Carol (C)	✓	
ESPERO, Will (VC)	✓	
ENGLISH, J. Kalani	✓	
IGE, David Y.		✓
SLOM, Sam	✓	
TOTAL	<i>4</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <i>Will Espero</i>		
Distribution:	Original File with Committee Report	Yellow Clerk's Office
		Pink Drafting Agency

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