

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2556
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Economic Development and Taxation, to which was referred S.B. No. 2556 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require:

- (1) Private landowners to report any inadvertent discovery of historic property on private land to the Department of Land and Natural Resources for identification and recordation; and
- (2) The Department to provide appropriate treatment options for the care and preservation of the historic property.

Testimony in support of this measure was received from one individual. The Department of Land and Natural Resources (Department) testified in opposition.

Your Committee has heard concerns from the Department that some of the provisions in this measure are already established under chapter 6E, Hawaii Revised Statutes, and other proposed provisions would be difficult to implement. For example, this measure would grant the Department the right to enter private lands to investigate historic property findings, but section 6E-10(e), Hawaii Revised Statutes, already addresses the procedure for conducting an investigation on private lands.



The Department also stated that administrative rules have been adopted to implement procedures to deal with the inadvertent discovery of historic properties, which have undergone the historic preservation review process (Section 13-280-3, Hawaii Administrative Rules), and that it would be more effective to strengthen the use of existing processes to meet these goals before new procedures are mandated by statute.

Your Committee understands these concerns and agrees that the measure will require additional work to be effective. Your Committee has also asked for further information regarding the Department's suggestion that amending current rules could resolve the issues this measure is intended to address, and how long these amendments might take to complete.

Until your Committee receives further information, it is the intent of your Committee to regard this measure as a work in progress, and to keep it moving through the legislative process. It was introduced in response to an inadvertent discovery that was not resolved promptly and professionally and the intent of this measure is to make sure such lapses do not continue to occur.

Your Committee has amended this measure by:

- (1) Deleting the requirement to report the discovery "as soon as possible" and instead requiring that the landowner shall not resume any activity in the immediate area until authorized to do so by the Department; and
- (2) Making a technical amendment to correct a reference to a section in the Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Economic Development and Taxation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2556, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2556, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Taxation,



CAROL FUKUNAGA, Chair



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 2556</i>	<i>EDT</i>	<i>2/26/08</i>

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
ESPERO, Will (VC)	✓			
BAKER, Rosalyn H.	✓			
ENGLISH, J. Kalani				✓
IGE, David Y.	✓			
SLOM, Sam			✓	
TOTAL	<i>4</i>		<i>1</i>	<i>1</i>

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Will Espero

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*Only one measure per Record of Votes