

STAND. COM. REP. NO. 3030

Honolulu, Hawaii

MAR 30 2012

RE: S.C.R. No. 56  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Economic Development and Technology and Water, Land, and Housing, to which was referred S.C.R. No. 56 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP RECOMMENDATIONS FOR INCREASED FEES TO HELP SUPPORT A FULLY STAFFED STATE HISTORIC PRESERVATION DIVISION PROGRAM,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Department of Land and Natural Resources to:

- (1) Develop recommendations for increased fees to help support a fully staffed State Historic Preservation Division program, with assistance from the Society for Hawaiian Archaeology, Historic Hawaii Foundation, advocates of historic preservation, and other interested parties;
- (2) Pursue its recommended fee increases to partially defray the costs of administering sections 6E-3(13), 6E-8, and 6E-42, Hawaii Revised Statutes, through amendments to rules adopted pursuant to chapter 91, Hawaii Revised Statutes; and
- (3) Report its findings and recommendations, including the status of any amendments to the Department's Hawaii Administrative Rules, to the Legislature no later than



twenty days prior to the convening of the Regular Session of 2013.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; The Chamber of Commerce of Hawaii; Hawaii Government Employees Association, AFSCME Local 142, AFL-CIO; Historic Hawaii Foundation; and Legislative Committee of the Society for Hawaiian Archaeology.

Your Committees find that when the Hawaii Administrative Rules governing the review process under sections 6E-7, 6E-8, and 6E-42, Hawaii Revised Statutes, were adopted, the rules included fee schedules for the review of various reports and plans required for compliance purposes. It has been several years since these rules took effect, and it is clear that the fees charged for document review should be revised in order to reflect more accurately the staff efforts involved in this important element of regulatory oversight.

Your Committees have accepted a number of recommendations from interested stakeholders and have amended this measure accordingly, by:

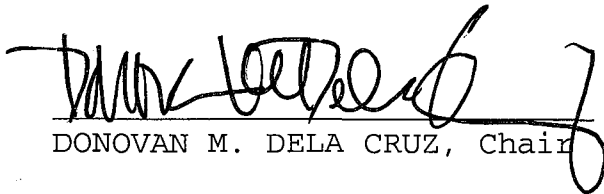
- (1) Adding findings regarding the range of filing fees charged pursuant to chapter 13-275-3, Hawaii Administrative Rules, and to clarify that in order for fee increases to be realistic but not prohibitive, actual data should be available to support any such request;
- (2) Requesting that the report to the Legislature include statistics on the numbers and types of documents currently reviewed, the fees received over the last three years, and rough estimates of staff time required; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note the recommendation by the Hawaii Government Employees Association regarding the conversion from exempt to civil service positions for employees in the state historic preservation division, but find that this measure is not the most appropriate vehicle for that purpose.



As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Water, Land, and Housing that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 56, as amended herein, and recommend that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 56, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Economic  
Development and Technology and  
Water, Land, and Housing,

  
DONOVAN M. DELA CRUZ, Chair

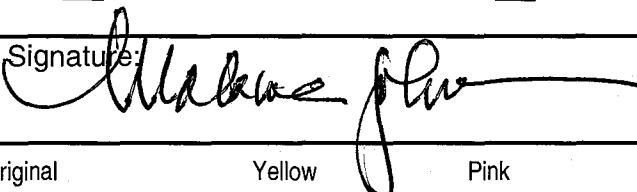
  
CAROL FUKUNAGA, Chair





The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land and Housing**  
**WLH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 50	EDT/WLH, WAM	3-20-12		
<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
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes