

Honolulu, Hawaii

MAY 12 , 2020

RE: S.B. No. 2249
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Water, Land, & Hawaiian Affairs, to which was referred S.B. No. 2249, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to make it a civil and administrative violation for any person to engage in certain archaeological activities, or use explosives in land development or land alteration activities that are subject to historic preservation review, without obtaining the required permission or approval from the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Society for Hawaiian Archaeology, Honua Consulting, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that there is a persistent issue involving whether archaeological activities are being conducted in violation of existing law. Your Committee further finds that existing law does not impose civil or administrative penalties for the use of explosives during land alteration or development activities that are subject to historic preservation review. This



measure makes it a civil or administrative violation to conduct unpermitted archaeological activities or use explosives during land alteration or development activities that are subject to historic preservation review.

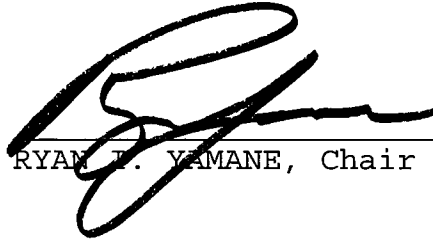
Your Committee has amended this measure by:

- (1) Applying civil and administrative fines to the knowing and intentional taking, appropriation, excavation, injury, destruction, or alteration of any burial site, or the contents thereof, on certain lands, and to the knowing and intentional failure to re-inter human remains discovered on those lands within a certain period of time;
- (2) Deleting language establishing civil and administrative fines for certain types of archaeological activity other than the violation or failure to carry out any agreed upon mitigation condition or commitment;
- (3) Inserting a savings clause;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2249, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2249, S.D. 1, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Hawaiian Affairs,



RYAN T. YAMANE, Chair



