

STAND. COM. REP. NO.

561

Honolulu, Hawaii

FEB 19 , 2021

RE: H.B. No. 821
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 821, H.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 authorize the State Historic Preservation Division to:

- (1) Delegate the responsibility of historic preservation project reviews to the respective counties; and
- (2) Establish a program for third-party individuals and organizations to conduct document reviews on proposed projects.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hunt Development Group, LLC; and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Office of Hawaiian Affairs, Society for Hawaiian Archaeology, Historic Hawai'i Foundation, and Maui Chamber of Commerce.

2021-1797 HB821 HD2 HSCR HMSO



Your Committee finds that the State Historic Preservation Division's review of proposed projects that may affect historic properties plays an essential role in the protection and management of the State's historic places, burial sites, and aviation artifacts. Your Committee further finds that there is a backlog of projects needing review by State Historic Preservation Division, which is causing costly delays to affordable housing and other important construction projects. This measure will allow the State Historic Preservation Division to expand the capacity for review of projects to alleviate the current backlog.

Your Committee has amended this measure by:

- (1) Requiring that the State Historic Preservation Division consult with the Office of Hawaiian Affairs in the delegation of authority to the counties;
- (2) Specifying that the Office of Hawaiian Affairs shall be consulted on the scope of delegation of historic preservation authority to the counties through a written agreement;
- (3) Clarifying that the State Historic Preservation Division shall not delegate any responsibilities pertaining to prehistoric or historic burials;
- (4) Requiring consultation with the Office of Hawaiian Affairs regarding the certification of third-party reviewers; 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 821, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 821, H.D. 2.



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


MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **HSCR 561**

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 821 HD1	Committee Referral: WAL, JHA, FIN	Date: 2-16-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.				✓
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene	✓			
TOTAL (12)	10	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				