

STAND. COM. REP. NO. 3480

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 2135
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred H.B. No. 2135, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed state project for lands under its jurisdiction under certain conditions and subject to certain exceptions for state projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places or located in a designated historic district.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Hawaii State Aha Moku, and Department of Land and Natural Resources. Your Committees received testimony in opposition to this measure from the Historic Hawai'i Foundation.

Your Committees find that currently, the Department of Hawaiian Home Lands, prior to any proposed project relating to lands under its jurisdiction, is required to consult with the Department of Land and Natural Resources regarding the effect of



the project upon historic property or a burial site. For the sake of efficiency and the greater preservation of historic sites, this measure allows the Department of Hawaiian Home Lands to directly assume historic preservation review of proposed projects relating to lands under its jurisdiction.

Your Committees note that section 6E-43, Hawaii Revised Statutes, pertains to historic burials and historic burial sites themselves. This measure pertains to section 6E-8, Hawaii Revised Statutes, which refers to the review of state projects. Issues regarding the actual burial processes, inadvertent discovery of burial grounds, and burial councils are not affected by this measure.

Your Committees note that the companion to this measure, S.B. No. 3103, S.D. 1 (Regular Session of 2022), which was previously passed by the Senate, is a substantially similar measure that also allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction, except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places. Your Committees conclude that the language in S.B. No. 3103, S.D. 1, is preferable because it contains a more streamlined process to enable the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.


Accordingly, your Committees have amended this measure by deleting its contents, inserting the contents of S.B. No. 3103, S.D. 1., and further amending it to remove the sunset date.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2135, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2135, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water and Land,

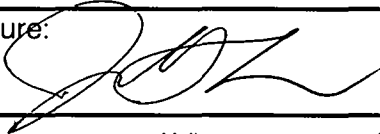

LORRAINE R. INOUÉ, Chair


MAILE S.L. SHIMABUKURO, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* HB 2135 HD2	Committee Referral: HWN/WTL, WAM	Date: 3/22/22		
<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
SHIMABUKURO, Maile S.L. (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura		/		
IHARA, Jr., Les	/			
FEVELLA, Kurt				/
TOTAL	3	1	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <i>HB 2135, HD 2</i>	Committee Referral: <i>WVN/WTL, WAM</i>	Date: <i>3/22/22</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
INOUE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt				✓
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Bennette E. Misalucha</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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