

Honolulu, Hawaii

APR 28 2022

RE: S.B. No. 1411
S.D. 2
H.D. 1
C.D. 1

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1411, S.D. 2, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Define "pre-contact historic property";
- (2) Clarify that the Historic Preservation Program includes providing consultation to counties and public and private agencies involved in historic presentation and the development, publication, and distribution of materials about protections for burials, historic sites, and archaeological resources;



- (3) Amend the composition and duties of the Hawaii Historic Places Review Board;
- (4) Increase civil and administrative fines for certain violations of historic and preservation requirements; and
- (5) Hold violators liable for costs associated with mitigation or preservation measures.

Your Committee on Conference finds that the State continues to strike a balance between the preservation and existence of Native Hawaiian traditional and cultural practices amidst construction, development, and modernization. Clarifying the responsibilities of several key programs and organizations, including the Hawaii Preservation Program, Hawaii Historic Places Review Board, and the community at-large, will continue to ensure the preservation and protection of Native Hawaiian culture and traditions.

Your Committee on Conference has amended this measure by:

- (1) Deleting the proposed definition of "pre-contact historic property";
- (2) Deleting the requirement that the comprehensive historic preservation program develop, publish, and distribute certain informational materials;
- (3) Deleting changes to the review board membership and duties;
- (4) Deleting language that would have imposed a fine of no more than \$30,000 on a violator who directly or indirectly causes damage to any pre-contact historic property as determined by the Department of Land and Natural Resources in consultation with the Office of Hawaiian Affairs;
- (5) Requiring any landowner or developer responsible for projects where a violation is found to execute any mitigation and preservation measures as ordered by the Department of Land and Natural Resources and be jointly and severally liable for associated costs;
- (6) Making it effective upon its approval; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1411, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1411, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

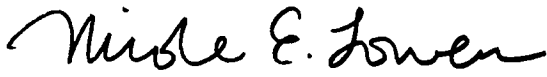
ON THE PART OF THE SENATE



DAVID A. TARNAS
Co-Chair



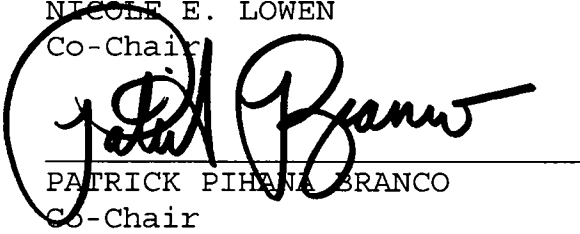
LORRAINE R. INOUE
Chair



NICOLE E. LOWEN
Co-Chair



LAURA ACASIO
Co-Chair



PATRICK PIÑANA BRANCO
Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1411, SD 2, HD 1	Date/Time: 4/27/2022 2:42
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The recommendation of the House and Senate managers is to pass with amendments (CD).

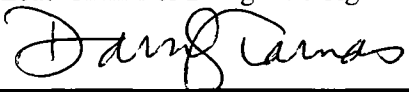
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUE, Lorraine R., Chr.	✓				TARNAS, David A., Co-Chr.	✓			
ACASIO, Laura, Co-Chr.	✓				LOWEN, Nicole E., Co-Chr.	✓			
MISALUCHA, Bennette E.	✓				BRANCO, Patrick Pihana, Co-Chr.	✓			
FEVELLA, Kurt				✓	MCDERMOTT, Bob				✓
TOTAL	3			1	TOTAL	3	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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