STAND. COM. REP. NO. (740-22

Honolulu, Hawaii

MAR 2 4

, 2022

RE: S.B. No. 1411

S.D. 2 H.D. 1

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1411, S.D. 2, entitled:

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

begs leave to report as follows:

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 preservation 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; and
- (4) Increase civil and administrative fines for certain violations of historic and preservation requirements and make landowners or developers responsible for projects where violations are found liable for costs associated with mitigation or preservation measures.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii State Aha Moku, and one individual. Your Committee received testimony in opposition to this measure from the Society for Hawaiian Archaeology. Your Committee received comments on this measure from the Department of Land and Natural Resources and Historic Hawaii Foundation.

Your Committee finds that Hawaii's historic preservation laws were enacted to ensure that invaluable historic sites and archaeological resources are given appropriate consideration when they may be impacted by development activities. The existing penalties for violations of the historic preservation laws are far less than the costs of complying with historic preservation review and protecting potential historic property, such as iwi and burial sites. This measure serves to increase compliance with historic property laws and act as a deterrent to violations.

Your Committee has amended this measure by:

- (1) Changing a reference from "pre-contact sites and monuments" to "pre-contact historic property"; and
- (2) 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 S.B. No. 1411, S.D. 2, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 1411, S.D. 2, H.D. 1.

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 1340-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.:	Committee	_	Da	ate: 7-)1-	7 2	
SB 1411 SD2	WAL, JHA, FIN			3-21-22		
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold 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)						
			Samuella de la companya de la compa			
2. MATAYOSHI, Scot Z. (V	(C)					
3. ICHIYAMA, Linda						
School Sc						
4. KOBAYASHI, Dale T.			<u> </u>			
5. LoPRESTI, Matthew S.	na ny hy hy jako je y je i					
6. LOWEN, Nicole E.						
o. Lower, incore E.			avrani (j. 1300 n.) i se su su Si se su			
7. McKELVEY, Angus L.K.			on the sale health of house		B (1895) 284 P. La (2017) 286 Ed	
8. NAKAMURA, Nadine K.			America con estado estada fuera de mante filmada en		de antida a tambumitan da da a a se a a abbietististististististististististististist	
			San			
9. TAKUMI, Roy M.						
10. TOKIOKA, James Kunar	ne					
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11. WARD, Gene						
TOTAL (11)		9		Ø	1	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						