

Honolulu, Hawaii

FEB 08 2022

RE: S.B. No. 1411
S.D. 1

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

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 1411 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Define "pre-contact historic property";
- (2) Clarify the Historic Preservation Program to include 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 to include two experts of traditional Hawaiian culture and tradition;
- (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 restoration measures.



Your Committee received testimony in support of this measure from Hawaii State Aha Moku, Kūpuna Caucus of the Democratic Party of Hawai'i, and four individuals. 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.

Your Committee finds that issues ensuring the continued existence of Native Hawaiian traditional and cultural practices is a challenge amidst an influx of construction, development, and modernization. Pre-contact historic properties hold significant historical, cultural, and traditional value that cannot be replicated in a museum. Despite the value of historic properties, some pre-contact historic properties such as heiau, unu, ahu, koa fishing shrines, loko ia fishponds, and other properties are defaced, desecrated, vandalized, or stolen from by persons who act intentionally and willfully, and others who act inadvertently and unknowingly. To ensure the preservation and protection of Native Hawaiian culture and traditions, this measure clarifies responsibilities of the Historic Preservation Program, amends the composition and responsibilities of the Hawaii Historic Places Review Board, and increases civil and administrative fines that adversely impact historic preservation and restoration.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1411, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1411, S.D. 1, and be referred to your Committee on Judiciary.

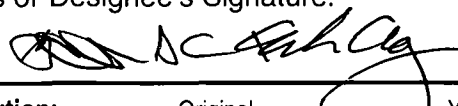
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB1411	Committee Referral: WTL, JDC	Date: 2/2/22		
<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
INOUYE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	S			
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