

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 1411
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1411, S.D. 1, 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 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 hold violators liable for costs associated with mitigation or restoration measures.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Land and



Natural Resources, Hawaii State Aha Moku, Kūpuna Caucus of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Society for Hawaiian Archaeology.

Your Committee finds that the Hawai'i historic preservation law, codified in chapter 6E, Hawaii Revised Statutes, was enacted to ensure that invaluable historic sites and archaeological resources are given appropriate consideration when they may be impacted by development activities. Historic cultural resources, burials, and sites protected under law embody the continued physical and spiritual connections between native Hawaiians, their ancestors, and their cultural heritage. Unfortunately, countless native Hawaiian historic sites and burials are threatened and an unknown number have likely been destroyed by individuals who knowingly commit violations to avoid state historic preservation review processes. This measure will help better deter violations from being committed against pre-contact historic properties and help raise awareness of the types of protections for burials and cultural sites that are currently available under existing statutes.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



