

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 3135  
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 Water and Land and Government Operations,  
to which was referred S.B. No. 3135 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:

- (1) Transfer authority for certain reviews of projects in conjunction with section 6E-42, Hawaii Revised Statutes, from the Department of Land and Natural Resources to the counties; and
- (2) Provide financial assistance to the counties to hire qualified staff to conduct the reviews.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, one member of the Maui County Council, NAIOP Hawaii, and one individual. Your Committees received testimony in opposition to this measure from the Society for Hawaiian Archaeology and two individuals. Your Committees received comments on this measure from the Maui County Department of Planning; City and County of Honolulu Department of Planning and Permitting; a letter signed by each county planning department director; Hawaii Government Employees Association AFSCME Local 152, AFL CIO; and Historic Hawai'i Foundation.



Your Committees find that laws governing the review of proposed projects play an essential role in the protection and management of the State's historic places, burial sites, and aviation artifacts by requiring agencies and offices of the State and its subdivisions to submit for review all projects that may affect historic properties to the State Historic Preservation Division of the Department of Land and Natural Resources before approval. The Department of Land and Natural Resources notes that in every other state in the union, many of these reviews would be subject to review at the county or municipal level--only Hawaii requires reviews and evaluations at the state level. To conform with practices in other states, the Department of Land and Natural Resources believes it is reasonable and appropriate to authorize the counties to assume responsibilities for such reviews.

However, your Committees have heard the concerns of the Department of Land and Natural Resources and the planning departments of all four counties regarding third-party reviewers. Currently, the Department of Land and Natural Resources State Historic Preservation Division is experiencing delays with reviews due to staffing shortages and budget issues. The use of third-party reviews addresses these issues to expedite the review process for pending permits. While the Department of Land and Natural Resources recognizes that third-party reviewers are not a long-term solution, reviewers serve an important purpose to continue the Division's mission to ensure the preservation of Hawaii's past for future generations.

To address the concerns regarding third-party reviewers by the Department of Land and Natural Resources and the counties, your Committees have amended this measure by:

- (1) Authorizing the Department of Land and Natural Resources to review projects affecting properties within or affecting a designated historic district;
- (2) Defining the role of third-party reviewers for the Department of Land and Natural Resources to include review of backlogged cases for departmental consistency;



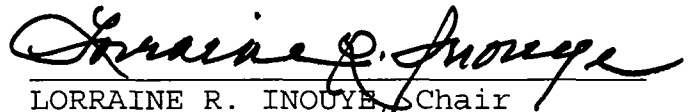
- (3) Clarifying that third-party reviewers may be released once the volume of permits reaches a manageable level for the existing department staff to review;
- (4) Inserting a blank appropriation amount; and
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3135, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3135, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Government Operations,



SHARON MORIWAKI, Chair




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.:* <b>SB 3135</b>	Committee Referral: <b>WTL/GVO, WAM</b>	Date: <b>2/14/22</b>		
<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)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>
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 Government Operations**  
**GVO**

Bill / Resolution No.:* <b>SB 3135</b>	Committee Referral: <b>WTL/GVO, WAM</b>	Date: <b>02/14/22</b>		
<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
MORIWAKI, Sharon Y. (C)	X			
DELA CRUZ, Donovan M. (VC)	X			
CHANG, Stanley	X			
GABBARD, Mike				X
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____				
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