

STAND. COM. REP. NO. 1182 -24

Honolulu, Hawaii

MAR 19 , 2024

RE: S.B. No. 2591
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2591, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BURIAL SITES,"

begs leave to report as follows:

The purpose of this measure is to impose a fine of \$1,000 on any private landowner who fails to disclose and record with the Bureau of Conveyances the existence of burial or archaeological sites on their property that the landowner knew or should have known of.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Department of Land and Natural Resources; Malama Makua; and one individual.

Your Committee finds that the presence of a burial or archaeological site on a property may affect the use of the property. Therefore, it is important that prospective buyers are made aware of any burial or archaeological sites on the property before the completion of a real estate transaction. Disclosing and recording burial and archaeological sites will also make it easier to plan for and protect these sites from damage.

Your Committee has amended this measure by:

2024-2312 SB2591 HD1 HSCR HMSO



- (1) Clarifying that a court of competent jurisdiction is responsible for imposing the fine on private landowners;
- (2) Requiring the fine to also be imposed on private landowners who fail to disclose the burial or archaeological sites in the documents used to offer the real property for sale;
- (3) Requiring the fines to be deposited into the Hawaii Historic Preservation Special Fund;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) 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. 2591, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2591, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



