

STAND. COM. REP. NO.

2308

Honolulu, Hawaii

FEB 14 2024

RE: S.B. No. 2653

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 2653 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 authorize the Department of Hawaiian Home Lands to assume historic preservation review of any proposed project for lands under its jurisdiction, except for projects affecting properties listed or nominated for inclusion in the Hawaii Register of Historic Places or the National Register of Historic Places.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Department of Hawaiian Home Lands; Ho'omana Pono, LLC; one member of the Maui Lanai Islands Burial Council; and three individuals.

Your Committees received testimony in opposition to this measure from the Historic Hawai'i Foundation, Society for Hawaiian Archaeology, and four individuals.

Your Committees received comments on this measure from the Office of Hawaiian Affairs and one individual.



Your Committees find that section 6E-8, Hawaii Revised Statutes, plays a critical role in the protection of management of the State's historic properties and burial sites. Section 6E-8(b), Hawaii Revised Statutes, requires the Department of Hawaiian Home Lands, prior to any proposed project relating to lands under its jurisdiction, to consult with the Department of Land and Natural Resources regarding the effect of the project upon historic property or a burial site. This measure will eliminate the need for the Department of Hawaiian Home Lands to consult with the State Historic Preservation Division regarding proposed projects on Department of Hawaiian Home Lands lands, which will expedite the work that the Department of Hawaiian Home Lands does for beneficiaries on its waitlist.

Your Committees have amended this measure by:

- (1) Adding language that requires the Department of Hawaiian Home Lands to acquire adequate resources and processes to conduct reviews pursuant to this measure;
- (2) Adding language that requires the Department of Hawaiian Home Lands to consult with the Office of Hawaiian Affairs when reviewing projects on sites that are significant under criteria "e"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees encourage the Department of Hawaiian Home Lands to promulgate a process for historic reviews similar to that of the State Historic Preservation Division. Your Committees further note concerns that the Department of Hawaiian Home Lands does not have qualified staff, subject matter expertise, or the appropriate administrative framework to review and make final determinations regarding proposed projects on lands under its jurisdiction. Your Committees also note the concerns raised by Keomailani Hanapi Hirata, suggesting that the Department of Hawaiian Home Lands fails to properly observe Native Hawaiian culture in its efforts to fulfill its mission.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the



intent and purpose of S.B. No. 2653, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2653, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Hawaiian Affairs and Water and Land,



LORRAINE R. INOUE, Chair



MAILE S.L. SHIMABUKURO, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i


**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:* <b>SB2653</b>	Committee Referral: <b>HWN/WTL/WAM</b>	Date: <b>02/08/24</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
SHIMABUKURO, Maile S.L. (C)	/			
FEVELLA, Kurt (VC)				/
IHARA, Jr., Les	WR	✓		
KEOHOKALOLE, Jarrett	✓			
RICHARDS, III, Herbert M. "Tim"				✓
<b>TOTAL</b>	<b>2</b>	<b>1</b>		<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> 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-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB 2653</b>	Committee Referral: <b>HWN/WTL, WAM</b>	Date: <b>02/08/24</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)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley				✓
MCKELVEY, Angus L.K.				✓
FEVELLA, Kurt			✓	
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>1</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				

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