STAND. COM. REP. NO. **3011**

Honolulu, Hawaii

MAR 2 4 2006

RE: H.B. No. 2857

H.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Media, Arts, Science, and Technology, to which was referred H.B. No. 2857, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to facilitate the protection of historic properties, aviation artifacts, and burial sites by making it a civil and administrative violation to knowingly violate the conditions of an approved mitigation plan that includes monitoring and preservation plans.

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

Hawaii has a rich historical culture that needs to be preserved for future generations. Private landowners often agree to preserve significant cultural and historical sites as means of obtaining any required building permits from the applicable county by submitting to the Department of Land and Natural Resources a mitigation plan. Although the Department approves the mitigation plans submitted on behalf of these landowners, the Department is unable to enforce the conditions set forth in these plans.

The Department has been unable to seek administrative action and impose monetary fines against landowners who destroyed historic properties they originally agreed to preserve, and against archaeological consultants who failed to maintain the

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provisions set forth in archaeological monitoring plans. In one case, over eighty archaeological sites that a landowner agreed to preserve were destroyed without any recourse.

Your Committee finds that amending section 6E-11, Hawaii Revised Statutes, to make it a civil and administrative violation to knowingly violate the conditions of an approved mitigation plan will enable the Department of Land and Natural Resources to enforce the provisions of a mitigation plan. A civil recourse provision will allow the Department to further protect Hawaii's unique and significant cultural and historical resources.

As affirmed by the record of votes of the members of your Committee on Media, Arts, Science, and Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2857, H.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Media, Arts, Science, and Technology,

CAROL FUKUNAÇA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Media, Arts, Science and Technology (Bills and Resolutions)

Measure:*	Committee Re	ferral:	Date:		
HB 2857 HDI	MAT, SHW		3/2	3/22/06	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with an (2312) (2311			Holo (231		Recommit (2313)
Members		Ayes	Ayes(WR)	Nays	Excused
FUKUNAGA, Carol (C)		V			
IGE, David Y. (VC)					
ENGLISH, J. Kalani					
IHARA, Jr., Les		V			
HOGUE, Bob		V			
			·		
TOTAL		3	0	0	2
Recommendation:					
Adopted 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					

^{*}Do <u>not</u> list more than one measure per Record of Votes.