STAND. COM. REP. NO. Honolulu, Hawaii **FeS 9**, 2011 RE: H.B. No. 225 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred H.B. No. 225 entitled:

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

begs leave to report as follows:

The purpose of this bill is to support historic preservation in Hawaii by providing, among other things, that:

- Prior to the sale or lease for a term in excess of ten years of undeveloped property, an archaeological inventory survey (AIS) of the undeveloped property be performed;
- (2) The AIS be submitted to the state historic preservation officer; and
- (3) The AIS may include recommendations by the state historic preservation officer that portions of the undeveloped property may be unsuitable for future development and should be reclassified as conservation land or zoned by a county for preservation zoning.

Papa Ola Lokahi and a concerned individual testified in support of this bill. The Office of Hawaiian Affairs and the Society for Hawaiian Archaeology supported the intent of this measure. The Department of Land and Natural Resources and the



STAND. COM. REP. NO. 141 Page 2

Hawaii Association of REALTORS opposed this bill. The Historic Hawaii Foundation submitted comments.

After careful consideration, your Committee has amended this bill by:

- Mandating that an AIS of undeveloped property be performed prior to the sale or lease of any length of term of the property;
- (2) Requiring that the AIS be submitted to the State Historic Preservation Division (SHPD) for review and approval;
- (3) Providing that following SHPD's approval of the AIS, appropriate mitigation plans for preservation and data recovery must also be submitted to SHPD for review and approval;
- (4) Providing that if burials are identified during the AIS, relevant statutes and administrative rules regarding burials will apply to determine appropriate treatment and mitigation measures; 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 Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 225, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 225, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

HB225 HD1 HSCR HAW HMS 2011-1796

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

FAYE HANO, Chai

## State of Hawaii House of Representatives The Twenty-sixth Legislature



## Record of Votes of the Committee on Hawaiian Affairs

| Bill/Resolution No.:   | Committee Referral: | Date:     |                  |                                       |
|--|---------------------|-----------|------------------|---------------------------------------|
| HB 775   | HAW, WLO, JUD       |           | 2/2/11           |                                       |
| □ The committee is reconsidering its previous decision on the measure.   |                     |           |                  |                                       |
| The recommendation is to: <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul> |                     |           |                  |                                       |
| HAW Members  | Ayes                | Ayes (WR) | Nays             | Excused                               |
| 1. HANOHANO, Faye P. (C)   |                     |           | ·                |                                       |
| 2. LEE, Chris (VC)   |                     | Spanse    | - <u>/,</u> ,    |                                       |
| 3. BELATTI, Della Au   |                     |           | an a' a' a' a an |                                       |
| 4. JORDAN, Jo  |                     |           |                  |                                       |
| 5. MIZUNO, John M.   |                     |           |                  |                                       |
| 6. MORIKAWA, Dee   |                     |           |                  | · · · · · · · · · · · · · · · · · · · |
| 7. WOOLEY, Jessica   |                     |           |                  |                                       |
| 8. YAMANE, Ryan I.   |                     |           | ·····            |                                       |
| 9. PINE, Kymberly Marcos   |                     |           | •                |                                       |
| 10. WARD, Gene   |                     | 7         |                  |                                       |
|  |                     |           |                  |                                       |
|  |                     |           |                  |                                       |
|  |                     |           |                  |                                       |
| TOTAL (10)   | 8                   | l         | D                | l                                     |
| The recommendation is: Adopted If joint referral, did not support recommendation.  |                     |           |                  |                                       |
| Vice Chair's or designee's signature:  |                     |           |                  |                                       |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO   |                     |           |                  |                                       |

.