STAND. COM. REP. NO. 77 -20

Honolulu, Hawaii MAY 12 , 2020 RE: S.B. No. 2249 S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Water, Land, & Hawaiian Affairs, to which was referred S.B. No. 2249, S.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 make it a civil and administrative violation for any person to engage in certain archaeological activities, or use explosives in land development or land alteration activities that are subject to historic preservation review, without obtaining the required permission or approval from the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Society for Hawaiian Archaeology, Honua Consulting, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that there is a persistent issue involving whether archaeological activities are being conducted in violation of existing law. Your Committee further finds that existing law does not impose civil or administrative penalties for the use of explosives during land alteration or development activities that are subject to historic preservation review. This

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measure makes it a civil or administrative violation to conduct unpermitted archaeological activities or use explosives during land alteration or development activities that are subject to historic preservation review.

Your Committee has amended this measure by:

- (1) Applying civil and administrative fines to the knowing and intentional taking, appropriation, excavation, injury, destruction, or alteration of any burial site, or the contents thereof, on certain lands, and to the knowing and intentional failure to re-inter human remains discovered on those lands within a certain period of time;
- (2) Deleting language establishing civil and administrative fines for certain types of archaeological activity other than the violation or failure to carry out any agreed upon mitigation condition or commitment;
- (3) Inserting a savings clause;

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- (4) Changing the effective date to July 1, 2050, 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 Water, Land, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2249, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2249, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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

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MANE, Chair



State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Water, Land, & Hawaiian Affairs

Bill/Resolution No.:Committee Referral:WLH, FINDate:SB 2249 SDICommittee Referral:03/11/20						
□ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) 						
WLH Men	ibers	Ayes	Ayes (WR)	Nays	Excused	
1. YAMANE, Ryan I. (C)	~	11 Martin and and a provide the second s			
2 TODD Chris (UC)						
2. TODD, Chris (VC)				en de la companya de La companya de la comp		
3. HAR, Sharon E.	<u>, le principal di Stati di Constanti</u>	 ✓ 			<u> </u>	
4. LOWEN, Nicole E.		~				
5. TARNAS, David A.						
S. TAKNAS, David A.						
6. WILDBERGER, Tina						
7. WARD, Gene						
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TOTAL (7)		7	0	0	0	
The recommendation is:	Adopted If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:						
Distribution: Original (White	Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					