STAND. COM. REP. NO. 172 -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:



- (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

State of Hawaii House of Representatives The Thirty-second Legislature HSCR 1182-24

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

SB Z S91, SD2 Committee	e Referral:	Date	3.12-20	ł
☐ 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)				
2. TAKAYAMA, Gregg (VC)				
3. EVSLIN, Luke A.				
4. GANADEN, Sonny				
5 HOLE David				
5. HOLT, Daniel				
6. ICHIYAMA, Linda				
7. ILAGAN, Greggor				
8. KONG, Sam Satoru				
9. MIYAKE, Tyson K.				
10 COLUZA V!				是智慧學
10. SOUZA, Kanani				
	. 0			
TOTAL (10)	10	_	_	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				