

Honolulu, Hawaii

MAR 27 2015

RE: H.B. No. 830
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Higher Education and the Arts and Water and Land, to which was referred H.B. No. 830, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RESIDENTIAL PROPERTY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt from the definition of "historic property" any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii Register of Historic Places; and
- (2) Clarify that nothing in chapter 6E, Hawaii Revised Statutes, shall be construed to require a review by the Department of Land and Natural Resources for any private residence exempted under the amended definition of "historic property".

Your Committees received testimony in support of this measure from the Chamber of Commerce Hawaii, Building Industry Association-Hawaii, General Contractors Association of Hawaii, Hawaii Association of REALTORS, Land Use Research Foundation of Hawaii, and three individuals. Your Committees received testimony in opposition to this measure from the Historic Hawaii Foundation and Society for Hawaiian Archaeology. Your Committees received comments on this measure from the Department of the Attorney



General, Department of Land and Natural Resources, and Office of Hawaiian Affairs.

Your Committees find that this measure amends the definition of "historic property" to exempt particular single-family residences from review by the Department of Land and Natural Resources. More specifically, this measure establishes the basis of exemption from review under chapter 6E, Hawaii Revised Statutes, for any privately-owned single-family residence; provided that the residence has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii Register of Historic Places.

However, your Committees note that this measure, if left unamended, inserts duplicative language into the Hawaii Revised Statutes. Specifically, the amendment made to section 6E-10(f), Hawaii Revised Statutes, appears to be redundant when read together with the amended definition of "historic property".

In addition, section 6E-10(f), Hawaii Revised Statutes, as amended by this measure, may be interpreted to exempt from review any new application for construction, alteration, disposition, or improvement of a privately-owned single-family residence, even if a burial site or aviation artifact may also be affected.

Your Committees have amended this measure by:

- (1) Amending the purpose section to more clearly articulate its purpose and intent;
- (2) Deleting language amending the definition of "historic property";
- (3) Deleting language amending section 6E-10, Hawaii Revised Statutes, relating to the review of proposed construction, alteration, disposition, or improvement of private residences;
- (4) Inserting language to exempt applications for proposed projects on privately-owned single-family detached dwelling units that are not designated on or nominated for the Hawaii or National registers of historic places or located in a historic district from the review requirements section 6E-42, Hawaii Revised Statutes;



- (5) Inserting a definition of "dwelling unit" for purposes of the exemption;
- (6) Making a conforming amendment to section 6E-42, Hawaii Revised Statutes; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and the Arts and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 830, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 830, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Higher Education and the Arts and Water and Land,



LAURA H. THIELEN, Chair



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education and the Arts
HEA

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB830 HD1</i>	<i>HEA/WTL, WAM</i>	<i>3-23-15</i>		
<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
TANIGUCHI, Brian T. (C)	✓			
INOUYE, Lorraine R. (VC)				✓
GABBARD, Mike				✓
KAHELE, Gilbert	✓			
KIDANI, Michelle N.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	<i>4</i>			<i>3</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Gilbert Kahale</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <i>HB 830, HDI</i>	Committee Referral: <i>HEA/WTL, WAM</i>	Date: <i>03.23.15</i>		
<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
THIELEN, Laura H. (C)	<i>X</i>			
GALUTERIA, Brickwood (VC)		<i>RR</i>		<i>X</i>
IHARA, Jr., Les	<i>X</i>	<i>X</i>		
RIVIERE, Gil	<i>X</i>			
RUDERMAN, Russell E.	<i>X</i>			<i>X</i>
SHIMABUKURO, Maile S.L.				<i>X RR</i>
SLOM, Sam	<i>X</i>			
TOTAL	<i>4</i>	<i>1</i>	<i>0</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;"><i>Gil Riviere</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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