

Honolulu, Hawaii

FEB 14 2020

RE: S.B. No. 2076
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Labor, Culture and the Arts and Water and Land, to which was referred S.B. No. 2076 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend section 6E-42, Hawaii Revised Statutes, to authorize the Department of Land and Natural Resources to delegate permit reviews under section 6E-42, Hawaii Revised Statutes, to the impacted county that has adopted ordinances that govern the county's permit review in a manner consistent with section 6E-42, Hawaii Revised Statutes, and the relevant administrative rules, as certified by the Department of Land and Natural Resources; and
- (2) Authorize the Department of Land and Natural Resources to establish a program to certify individuals or organizations to conduct third-party reviews to ensure that submissions to the Department of Land and Natural Resources for review under section 6E-42, Hawaii Revised Statutes, are complete and meet the requirements of governing regulations.



Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, a member of the Maui County Council, and the Maui Chamber of Commerce. Your Committees received testimony in opposition to this measure from Honua Consulting. Your Committees received comments on this measure from the Office of Hawaiian Affairs and the Society for Hawaiian Archaeology.

Your Committees find that due to the current demands for new housing construction, increases in development of commercial properties and the need for added infrastructure to support the construction and developments, there is an unacceptable large backlog of proposed projects that require review and comment by the Department of Land and Natural Resources as to the effect of the proposed project on historic properties, aviation artifacts, or burial sites, including those properties listed in the register of historic places, before the State or any of the counties can approve of the project, or issue permits, licenses certificates, land use change, subdivision or other entitlements for use. This measure is intended to provide the Department of Land and Natural Resources a means of reducing the backlog, by authorizing the department to use the counties to assist in performing the task of reviewing the proposed projects in the same way as is statutorily required of the Department of Land and Natural Resources and for the same purpose of protecting the historic properties, aviation artifacts and burial sites. This measure compels a participating county to adopt an ordinance that is consistent with the purpose of the law's protection of historic properties and sites.

Your Committees have amended this measure by:

- (1) Requiring the Department of Land and Natural Resources to consult with the Office of Hawaiian Affairs in relation to procedures for delegating historic preservation review authority to the impacted county;
- (2) Clarifying that the county's ordinance on the review by the county be performed in accordance with Chapter 6E, Hawaii Revised Statutes and the rules promulgated by the Department of Land and Natural Resources;
- (3) Clarifying that the Department of Land and Natural Resources shall not delegate to the counties, projects



that may be subject to prehistoric and historic burial sites;

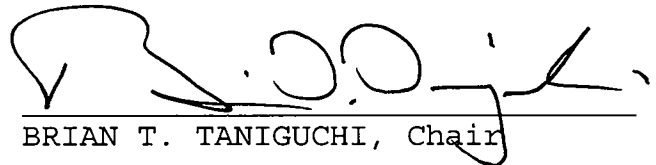
- (4) Adding "conflicts of interest" to those provisions that refer only to the "appearance of conflict of interest" as recommended by the Attorney General; and
- (5) Making technical, and nonsubstantive amendments for the purpose of clarity and style.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2076, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2076, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Labor, Culture
and the Arts and Water and
Land,



KAIALI'I KAHELE, Chair




BRIAN T. TANIGUCHI, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 2076</i>	<i>LCA/WTL, JDC</i>	<i>2-10-20</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)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt				✓
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
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
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 2076</i>	<i>LCA/WTL, JDC</i>	<i>2/10/20</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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
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