



GOV. MSG. NO. 882

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2644 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2644 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO THE STATE  
HISTORIC PRESERVATION OFFICER.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2644

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2644, entitled "A Bill for an Act Relating to The State Historic Preservation Officer."

The purpose of this bill is to amend the qualifications of the State Historic Preservation Officer to meet the required standards established by the United States Secretary of the Interior. Specifically, this bill requires the person appointed by the Governor as the State Historic Preservation Officer be qualified in architecture, architectural history, archaeology, history, culture, or a closely related field.

This bill is objectionable because the United States Department of the Interior does not require that the State Historic Preservation Officer meet professional qualification standards.

Currently, the Chairperson of the Board of Land and Natural Resources serves as the State Historic Preservation Officer. The State Historic Preservation Division of the Department of Land and Natural Resources is managed by an Administrator who is responsible for the daily operations of the division and who reports to the Chairperson of the Board of Land and Natural Resources. The Administrator's position is also

STATEMENT OF OBJECTIONS

SENATE BILL NO. 2644

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referred to as the Deputy State Historic Preservation Officer.

The fact that the Chairperson of the Board of Land and Natural Resources serves as the State's Historic Preservation Officer has been a long-standing practice that has met with federal approval. Federal regulations specify that the State Historic Preservation Officer is responsible for maintaining a staff that meets the professional qualification requirements, but does not require the State Historic Preservation Officer to have those professional qualifications.

For the foregoing reasons, I am returning Senate Bill No. 2644 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Lingle", is written above the printed name.

LINDA LINGLE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO THE STATE HISTORIC PRESERVATION OFFICER.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the state historic  
2 preservation officer is the administrator of the state historic  
3 preservation program. The state historic preservation officer's  
4 duties include reviewing nominations for the National Register  
5 of Historic Places and maintaining data on historic places in  
6 Hawaii that have not yet been nominated for the National  
7 Register of Historic Places. The state historic preservation  
8 officer also serves as the State's consultant to federal  
9 agencies during review regarding the federal Advisory Council on  
10 Historic Preservation's regulations regarding the protection of  
11 historic places. Federal agencies also consult with the  
12 appropriate state historic preservation officer during their  
13 identification of historic properties and their assessment of  
14 the effect of an undertaking on a historic property.

15           Due to the important role the state historic preservation  
16 officer serves with regard to federal and state historic  
17 preservation matters, the legislature in 1976 required the



1 Hawaii state historic preservation officer to be appointed on  
2 the basis of professional competence and experience in the field  
3 of historic preservation. The legislature finds that past and  
4 present governors of the State of Hawaii have not appointed  
5 Hawaii state historic preservation officers based on these  
6 broadly worded qualifications and that basing this appointment  
7 on nationally accepted and applied professional standards would  
8 bring greater accountability and consistency to the appointment  
9 of the Hawaii state historic preservation officer.

10 The purpose of this Act is to require that any person who  
11 is appointed by the governor as a state historic preservation  
12 officer, meets the required standards established by the United  
13 States Secretary of the Interior.

14 SECTION 2. Section 6E-5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§6E-5[+] State historic preservation officer. (a)  
17 The governor shall appoint a state historic preservation  
18 officer, and may appoint the officer without regard to chapter  
19 76, who shall be responsible for the comprehensive historic  
20 preservation program and who shall be the state liaison officer  
21 for the conduct of relations with the federal government and the



1 respective states with regard to matters of historic  
2 preservation.

3 (b) The state historic preservation officer shall [be  
4 ~~appointed on the basis of professional competence and experience~~  
5 ~~in the field of historic preservation and~~];

6 (1) Be a qualified historic preservation professional in  
7 architecture, architectural history, archaeology,  
8 history, culture, or a closely related field, who  
9 meets the professional qualification standards  
10 established by the United States Secretary of the  
11 Interior; and

12 (2) Have professional experience with respect to historic  
13 preservation in Hawaii.

14 (c) The state historic preservation officer shall be  
15 placed in the department for the purposes of the state program.

16 (d) Upon the appointment of a state historic preservation  
17 officer by the governor, the governor shall immediately advise  
18 the president of the senate and the speaker of the house of  
19 representatives of the identity of the person appointed and the  
20 person's qualifications to serve in that position."

21 SECTION 3. Statutory material to be repealed is bracketed



1 and stricken. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

