
A BILL FOR AN ACT

RELATING TO ARCHAEOLOGISTS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 ARCHAEOLOGISTS

6 § -1 **Definitions.** As used in this chapter:

7 "Archaeologist" is a person who studies material remains of
8 past human life and activities.

9 "Director" means the director of commerce and consumer
10 affairs.

11 § -2 **Board of archaeologists.** There shall be a board of
12 archaeologists consisting of the following ten members:

- 13 (1) The state historic preservation officer or designee;
- 14 (2) A representative appointed by the historic Hawaii
15 foundation;
- 16 (3) Five licensed archaeologists who have been actively
17 engaged in the field of archaeology for at least three
18 years preceding the date of their appointment; and



1 (4) Three members from the public.

2 § -3 Powers and duties of board. In addition to any
3 other powers and duties authorized by law, the board shall:

4 (1) Develop licensing standards and requirements for the
5 purpose of licensing archaeologists in the State;

6 (2) Set licensing fees through rules pursuant to chapter
7 91;

8 (3) Grant, renew, suspend, and revoke licenses;

9 (4) Adopt, amend, or repeal rules pursuant to chapter 91
10 to implement the purposes of this chapter;

11 (5) Suspend or revoke any license for any cause, or for
12 any violation of the rules, and refuse to grant,
13 renew, restore, or reinstate any license for any cause
14 which would be grounds for revocation or suspension of
15 a license;

16 (6) Issue informal nonbinding interpretations or
17 declaratory rulings, and conduct contested case
18 proceedings pursuant to chapter 91;

19 (7) Establish penalties for violations of this chapter;

20 (8) Subpoena witnesses and documents, administer oaths,
21 and receive affidavits and oral testimony, including
22 telephonic communications; and



1 (9) Do all things necessary to carry out this chapter.

2 § -4 **Application; fees.** (a) Every applicant for a
3 license under this chapter shall complete and file an
4 application provided by the board and shall furnish any
5 additional information bearing upon the issuance of the license
6 as the board shall require. In the case of a partnership, joint
7 venture, or corporation, any partner, member, or officer thereof
8 may sign the application on behalf of the applicant.

9 (b) Every applicant shall pay a fee as provided in rules
10 adopted by the board pursuant to chapter 91.

11 § -5 **Fees; biennial renewals; inactive license.** (a)
12 The biennial renewal fee or inactive license fee shall be paid
13 to the board on or before September 30 of each even-numbered
14 year. These fees shall be as provided in rules adopted by the
15 board pursuant to chapter 91. Failure, neglect, or refusal of
16 any licensee to pay these fees and to submit all documents
17 required by the board on or before September 30 of each even-
18 numbered year shall constitute a forfeiture of the licensee's
19 license.

20 (b) Any forfeited license may be restored upon submittal
21 of all required documents and fees, plus a penalty fee, within
22 sixty days from September 30 of the even-numbered year.



1 (c) Upon written request of a licensee, the board may
2 place that person's active license in an inactive status. The
3 licensee, upon payment of the inactive license fee, may continue
4 inactive for the biennial period. Failure, neglect, or refusal
5 of any licensee in inactive status to pay the inactive license
6 fee shall constitute a forfeiture of the license. The license
7 may be reactivated at any time during the biennial period by
8 making written request to the board and by fulfilling all the
9 requirements, including the payment of the appropriate fees.
10 While in an inactive status, a licensee shall not engage in
11 archaeological work; a licensee who violates this prohibition
12 shall be subject to discipline under this chapter and the
13 board's rules.

14 (d) For purposes of this chapter, the dishonoring of any
15 check upon first deposit shall constitute a failure to meet the
16 fee requirements.

17 § -6 **Archaeological activity; license required.** (a)
18 Unless a person applies and is issued a license from the board
19 under this chapter, no person shall do any of the following:

20 (1) Carry out archaeological fieldwork;



- 1 (2) Alter or remove any artifact or other physical
2 evidence of past human use or activity from a site;
3 and
4 (3) With respect to a marine site in state waters:
5 (A) Dive within five-hundred feet of the site or
6 within such other distance of the site; and
7 (B) Operate any type of submersible vehicle,
8 including remotely operated vehicles, autonomous
9 underwater vehicles, submarines or towed survey
10 equipment such as side scan sonars or underwater
11 cameras within five-hundred feet of the site or
12 within such other distance of the site.
13 (b) No license is required under this section if:
14 (1) The activity undertaken can be classified as normal
15 agricultural work or the routine maintenance of
16 property; or
17 (2) The activity undertaken is allowed by administrative
18 rule.

19 § -7 **Issuance of license.** The board may issue a license
20 to an applicant if the applicant proves, to the satisfaction of
21 the board, that:



1 (1) The applicant is competent to conduct archaeological
2 fieldwork in a responsible manner; and

3 (2) The applicant is in compliance with eligibility
4 criteria and other requirements for the issuance of
5 the license as determined by the board."

6 § -8 License revocation or suspension; grounds. The
7 board may revoke or suspend a license for any of the following:

8 (1) Failure to meet or maintain conditions and
9 requirements necessary to qualify for a license;

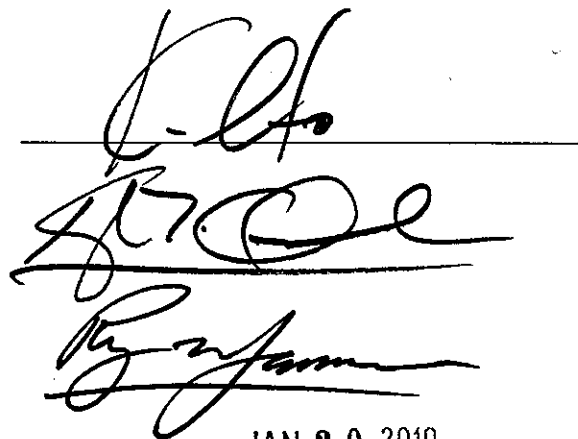
10 (2) Engaging in the willful destruction or desecration of
11 historic property; or

12 (3) Any other condition or requirement as determined by
13 the board through rules adopted under chapter 91.

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

15

INTRODUCED BY:


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JAN 20 2010



Report Title:

Archaeologists; Licensing

Description:

Requires licensing for archaeologists in the State. Creates the board of archaeologists.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

