
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Article IX, sections 7 and 9 of the Hawaii
2 Constitution and chapter 6E, Hawaii Revised Statutes (HRS),
3 demonstrate recognition of the importance of historic and
4 cultural resources to the State. Chapter 6E, HRS, authorizes
5 the creation of a comprehensive historic preservation program
6 within the department of land and natural resources (DLNR) to
7 promote the conservation and use of historic and cultural
8 properties in Hawaii for the education, inspiration, pleasure,
9 and enrichment of its citizens.

10 DLNR's historic preservation division (division) is
11 entrusted with, among other things:

- 12 (1) Preserving historic property listed on the Hawaii
13 Register of Historic Places;
- 14 (2) Coordination of the evaluation and management of
15 burial sites, many of which contain native Hawaiian
16 skeletal remains;
- 17 (3) Preserving and protecting historic sites on public
18 lands designated as historic preserves;



- 1 (4) Maintaining an inventory of more than thirty-eight
- 2 thousand historic sites throughout the state;
- 3 (5) Providing the public and governmental agencies with
- 4 technical information and assistance relating to
- 5 historic preservation programs and processes; and
- 6 (6) Offering archaeological services to help other
- 7 governmental agencies fulfill their historic
- 8 preservation responsibilities.

9 The division is also required to review numerous proposed
10 project plans for compliance with the historic preservation laws
11 relating to historic artifacts and burial sites.

12 However, the legislature finds that the division has been
13 under harsh criticism in recent years since about 2003, for its
14 handling of historic sites and ancient remains, including
15 improper re-interment and preservation of historic artifacts and
16 boxes of iwi or burial remains, and the bulldozing and
17 desecration of Hawea heiau in Hawaii Kai that was discovered in
18 June 2009. There have also been issues with and statements of
19 missing archaeological reports and the lack of an up-to-date
20 inventory of historic sites, which need to be investigated.

21 The division has also experienced management and staffing
22 challenges: some positions with critical responsibilities have



1 not yet been filled. As of August 2009, the division, including
2 its neighbor island offices, was understaffed, with no more than
3 fourteen employees and seven vacant positions, resulting in a
4 backlog of paperwork that has stalled projects and continues to
5 pose problems for developers, archaeologists, the community, and
6 ultimately the state's economy. Additionally, the legislature
7 has heard of issues partly to do with a lack of accountability
8 in securing and expending state and federal funds. If the
9 division fails to meet federal mandates, the State risks losing
10 the associated federal funds.

11 In short, the division has immense responsibility without
12 the necessary staffing and fiscal resources.

13 The purpose of this Act is to require the auditor to
14 conduct a management audit of the division to examine the
15 effectiveness of programs and the efficiency of the agency.

16 SECTION 2. The auditor shall conduct a management audit of
17 the state historic preservation division of the department of
18 land and natural resources. The audit shall examine and assess:

- 19 (1) Compliance with state and federal mandates;
20 (2) Information management;
21 (3) The backlog of paperwork and services;



- 1 (4) The documentation, re-interment, and preservation of
2 historic artifacts and boxes of iwi and associated
3 burial objects;
- 4 (5) The organizational structure of the division,
5 including workplace conditions, staff
6 responsibilities, staffing coverage, recruiting,
7 hiring, and employment practices, and any other
8 management issues;
- 9 (6) Internal budgeting and fiscal controls to ensure the
10 effective and appropriate expenditure of appropriated
11 funds; and
- 12 (7) Adequacy of resources to carry out the division's
13 mandated responsibilities.

14 In conducting the audit, the auditor shall gather and
15 consider information provided by government agency staff,
16 historic preservation consultants, island burial councils,
17 representatives from the native Hawaiian community, landowners,
18 businesses, and other members of the community that are most
19 directly impacted by and depend on the division's mandated
20 services.

21 The auditor shall submit its findings and recommendations,
22 including any proposed legislation, to the legislature no later



1 than twenty days prior to the convening of the regular session
2 of 2011.

3 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

State Historic Preservation Division; Management Audit

Description:

Requires a management audit of the State Historic Preservation Division of the Department of Land and Natural Resources.

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