
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 review for archaeological licensing.

12 There shall be a board of archaeologists consisting of the
13 following ten members:

14 (1) The state historic preservation officer or designee;

15 (2) A representative appointed by the historic Hawaii
16 foundation;

17 (3) A representative appointed by the trust for public
18 lands;



1 (4) Four licensed archaeologists who have been actively
2 engaged in the field of Hawaiian archaeology for at
3 least three years preceding the date of their
4 appointment; provided that one archaeologist shall
5 represent the University of Hawaii's department of
6 anthropology; and

7 (5) Three public members with cultural expertise, that
8 includes a representative from each of the following:

9 (A) The University of Hawaii's Hawaiian studies
10 program;

11 (B) The University of Hawaii's anthropology program;
12 and

13 (C) A cultural practitioner of Hawaiian burial
14 rights.

15 § -3 Powers and duties of board. In addition to any
16 other powers and duties authorized by law, the board shall:

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

19 (2) Set licensing fees through rules pursuant to chapter
20 91;

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

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

3 (5) Suspend or revoke any license for cause, or for any
4 violation of the rules, and refuse to grant, renew,
5 restore, or reinstate any license for cause which
6 would be grounds for revocation or suspension of a
7 license;

8 (6) Issue informal nonbinding interpretations or
9 declaratory rulings, and conduct contested case
10 proceedings pursuant to chapter 91;

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

12 (8) Subpoena witnesses and documents, administer oaths,
13 and receive affidavits and oral testimony, including
14 telephonic communications; and

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

16 § -4 **Application; fees.** (a) Every applicant for a
17 license under this chapter shall complete and file an
18 application provided by the board and shall furnish any
19 additional information bearing upon the issuance of the license
20 as the board shall require. In the case of a partnership, joint
21 venture, or corporation, any partner, member, or officer thereof
22 may sign the application on behalf of the applicant.



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

3 § -5 Fees; biennial renewals; inactive license. (a)

4 The biennial renewal fee or inactive license fee shall be paid
5 to the board on or before September 30 of each even-numbered
6 year. These fees shall be as provided in rules adopted by the
7 board pursuant to chapter 91. Failure, neglect, or refusal of
8 any licensee to pay these fees and to submit all documents
9 required by the board on or before September 30 of each even-
10 numbered year shall constitute a forfeiture of the licensee's
11 license.

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

15 (c) Upon written request of a licensee, the board may
16 place that person's active license in an inactive status. The
17 licensee, upon payment of the inactive license fee, may continue
18 inactive for the biennial period. Failure, neglect, or refusal
19 of any licensee in inactive status to pay the inactive license
20 fee shall constitute a forfeiture of the license. The license
21 may be reactivated at any time during the biennial period by
22 making written request to the board and by fulfilling all the



1 requirements, including the payment of the appropriate fees.
2 While in an inactive status, a licensee shall not engage in
3 archaeological work; a licensee who violates this prohibition
4 shall be subject to discipline under this chapter and the
5 board's rules.

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

9 § -6 Archaeological activity; license required. (a)

10 Unless a person applies and is issued a license from the board
11 under this chapter, no person shall do any of the following:

- 12 (1) Carry out archaeological fieldwork;
- 13 (2) Alter or remove any artifact or other physical
14 evidence of past human use or activity from a site;
15 and
- 16 (3) With respect to a marine site in state waters:
 - 17 (A) Dive within five-hundred feet of the site or
18 within such other distance of the site; and
 - 19 (B) Operate any type of submersible vehicle,
20 including remotely operated vehicles, autonomous
21 underwater vehicles, submarines or towed survey
22 equipment such as side scan sonars or underwater



1 cameras within five-hundred feet of the site or
2 within such other distance of the site.

3 (b) No license is required under this section if:

4 (1) The activity undertaken can be classified as normal
5 agricultural work or the routine maintenance of
6 property, or for any land disturbance or activity; or

7 (2) The activity undertaken is allowed by administrative
8 rule.

9 § -7 **Issuance of license.** The board may issue a license
10 to an applicant if the applicant proves, to the satisfaction of
11 the board, that:

12 (1) The applicant is competent to conduct archaeological
13 fieldwork in a responsible manner that reflects the
14 cultural beliefs and attitudes of the Hawaiian people;
15 and

16 (2) The applicant is in compliance with eligibility
17 criteria and other requirements for the issuance of
18 the license as determined by the board.

19 § -8 **License revocation or suspension; grounds.** The
20 board may revoke or suspend a license for any of the following:

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



- 1 (2) Engaging in the willful destruction or desecration of
- 2 historic property; or
- 3 (3) Any other condition or requirement as determined by
- 4 the board through rules adopted under chapter 91."

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

6

INTRODUCED BY:

Cynthia Lee



Report Title:

Archaeologists; Licensing

Description:

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

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