

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2487

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Economic Development and Technology and Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 2487 entitled:

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

beg leave to report as follows:

The purpose of this measure is to ensure the qualifications of the State Historic Preservation Officer by:

- (1) Requiring that the State Historic Preservation Officer be appointed from a list of at least three nominees submitted by the Board of Land and Natural Resources;
- (2) Requiring that the list of nominees be developed in consultation with the appropriate Hawaii and historic preservation organizations; and
- (3) Establishing specific qualifications of the State Historic Preservation Officer.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, Historic Hawai'i Foundation, Society for Hawaiian Archaeology, Kapi'olani Park Advisory Council, and three individuals. Testimony in opposition was submitted by the Department of Land and Natural Resources.

Written testimony presented to the Committees may be reviewed on the Legislature's website.



Your Committees find that the Governor's appointment of a State Historic Preservation Officer is required of any state wanting to participate in the nationwide, federal historic preservation program and to receive annual grant support from the Historic Preservation Fund, which is administered by the National Park Service. Under federal and state law, the State Historic Preservation Officer is responsible for ensuring that the State's comprehensive historic preservation program meets federal program requirements and that the State Historic Preservation Office is staffed with qualified professionals.

Your Committees further find that when the State of Hawaii chose to participate in the federal historic preservation program in 1976 and enacted legislation to enable Hawaii's participation, the statute for the State Historic Preservation Officer required only "professional competence and experience in the field of historic preservation". The amendments proposed in this measure would expand and strengthen these qualifications.

Your Committees understand that some states, like Hawaii, do not specify that the State Historic Preservation Officer shall be a qualified historic preservation professional, but the historic preservation staff must include qualified professionals. Kansas, like a number of other states, authorizes the State Historic Preservation Office functions to be handled by a qualified nonprofit, the Kansas State Historical Society.

Your Committees note that the United States Secretary of the Interior has established standards for historic preservation professionals that define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities in the historic preservation professions of history, archaeology, architecture, and architectural history, or closely related fields. Your Committees are in agreement that adopting these standards would strengthen the role of the State Historic Preservation Officer and may assist in resolving troubling issues that have plagued the Historic Preservation Division in recent years.

Your Committees have amended this measure by:

- (1) Clarifying that the Board of Land and Natural Resources shall consult with appropriate Native Hawaiian organizations;



- (2) Specifying that nominees for the State Historic Preservation Officer shall meet the United States Secretary of the Interior standards for historic preservation professionals, and include a closely related field such as Hawaiian studies;
- (3) Amending the effective date to July 1, 2040, for the purpose of encouraging further discussion; and
- (4) Making a technical amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Water, Land, Agriculture, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2487, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2487, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Economic
Development and Technology and
Water, Land, Agriculture, and
Hawaiian Affairs,



CLAYTON HEE, Chair

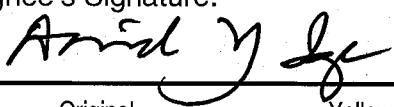


CAROL FUKUNAGA, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii


Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 2487	Committee Referral: EDT / WTL	Date: 2/19/2010		
<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
FUKUNAGA, Carol (C)	✓			
BAKER, Rosalyn H. (VC)				✓
HEE, Clayton	✓			
IGE, David Y.	✓			
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

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Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

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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
HEE, Clayton (C)	/			
TOKUDA, Jill N. (VC)				/
BUNDA, Robert				/
FUKUNAGA, Carol	/			
KOKUBUN, Russell S.	/			
TAKAMINE, Dwight Y.				/
HEMMINGS, Fred	/			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
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