
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. The legislature finds that the state historic
2 preservation officer's duties, pursuant to the National Historic
3 Preservation Act, as amended, 16 United States Code section 470,
4 et seq., 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. Pursuant to the National Historic
8 Preservation Act, the state historic preservation officer also
9 serves as the State's consultant to federal agencies regarding
10 their historic preservation responsibilities in Hawaii including
11 determining the impact of federal agency undertakings on
12 properties that are listed on or eligible for listing on the
13 National Register of Historic Places. Federal agencies also
14 consult with the appropriate state historic preservation officer
15 during their identification of historic properties and their
16 assessment of the effect of an undertaking on a historic
17 property.



1 Due to the important role that the state historic
2 preservation officer serves with regard to federal and state
3 historic preservation matters, the legislature in 1976 required
4 the Hawaii state historic preservation officer to be appointed
5 on the basis of professional competence and experience in the
6 field of historic preservation. The legislature finds that
7 these broadly worded qualifications should be clarified and that
8 this appointment should be based on nationally accepted and
9 applied professional standards that will bring greater
10 accountability and consistency to the appointment of the Hawaii
11 state historic preservation officer.

12 The purpose of this Act is to strengthen the state historic
13 preservation division by requiring that the state historic
14 preservation officer meet the required professional
15 qualification standards established by the United States
16 Secretary of the Interior and by converting certain positions
17 within the division to civil service status.

18 SECTION 2. Section 6E-3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§6E-3 Historic preservation program.** There is
21 established within the department a division to administer a



1 comprehensive historic preservation program, which shall include
2 but not be limited to the following:

- 3 (1) Development of an on-going program of historical,
4 architectural, and archaeological research and
5 development, including surveys, excavations,
6 scientific recording, interpretation, signage, and
7 publications on the State's historical and cultural
8 resources;
- 9 (2) Acquisition of historic or cultural properties, real
10 or personal, in fee or in any lesser interest, by
11 gift, purchase, condemnation, devise, bequest, land
12 exchange, or other means; preservation, restoration,
13 administration, or transference of the property; and
14 the charging of reasonable admissions to that
15 property;
- 16 (3) Development of a statewide survey and inventory to
17 identify and document historic properties, aviation
18 artifacts, and burial sites, including all those owned
19 by the State and the counties;
- 20 (4) Preparation of information for the Hawaii register of
21 historic places and listing on the national register
22 of historic places;



- 1 (5) Preparation, review, and revisions of a state historic
2 preservation plan, including budget requirements and
3 land use recommendations;
- 4 (6) Application for and receipt of gifts, grants,
5 technical assistance, and other funding from public
6 and private sources for the purposes of this chapter;
- 7 (7) Provision of technical and financial assistance to the
8 counties and public and private agencies involved in
9 historic preservation activities;
- 10 (8) Coordination of activities of the counties in
11 accordance with the state plan for historic
12 preservation;
- 13 (9) Stimulation of public interest in historic
14 preservation, including the development and
15 implementation of interpretive programs for historic
16 properties listed on or eligible for the Hawaii
17 register of historic places;
- 18 (10) Coordination of the evaluation and management of
19 burial sites as provided in section 6E-43;
- 20 (11) Acquisition of burial sites in fee or in any lesser
21 interest, by gift, purchase, condemnation, devise,



- 1 bequest, land exchange, or other means, to be held in
2 trust;
- 3 (12) Submittal of an annual report to the governor and
4 legislature detailing the accomplishments of the year,
5 recommendations for changes in the state plan or
6 future programs relating to historic preservation, and
7 an accounting of all income, expenditures, and the
8 fund balance of the Hawaii historic preservation
9 special fund;
- 10 (13) Regulation of archaeological activities throughout the
11 State;
- 12 (14) Employment of sufficient professional and technical
13 staff for the purposes of this chapter, which [~~may~~]
14 shall be in accordance with chapter 76;
- 15 (15) The charging of fees to be determined by the
16 department that are proportional to the nature and
17 complexity of the projects or services provided, and
18 adjusted from time to time to ensure that the
19 proceeds, together with all other fines, income, and
20 penalties collected under this chapter, do not surpass
21 the annual operating costs of the comprehensive
22 historic preservation program;



1 (16) Adoption of rules in accordance with chapter 91,
2 necessary to carry out the purposes of this chapter;
3 and

4 (17) Development and adoption, in consultation with the
5 office of Hawaiian affairs native Hawaiian historic
6 preservation council, of rules governing permits for
7 access by native Hawaiians and Hawaiians to cultural,
8 historic, and pre-contact sites and monuments."

9 SECTION 3. Section 6E-5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " ~~[+]§6E-5[+]~~ **State historic preservation officer.** (a)
12 The governor shall appoint a state historic preservation
13 officer, which shall not be subject to the advice and consent of
14 the senate, and may appoint the officer without regard to
15 chapter 76, who shall be responsible for the comprehensive
16 historic preservation program and who shall be the state liaison
17 officer for the conduct of relations with the federal government
18 and the respective states with regard to matters of historic
19 preservation.

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



1 (1) Be a qualified historic preservation professional in
2 architecture, architectural history, archaeology,
3 history, Hawaiian studies, or a closely related field,
4 who meets the professional qualification standards
5 established by the United States Secretary of the
6 Interior; and

7 (2) Have professional experience with respect to historic
8 preservation in Hawaii.

9 (c) The state historic preservation officer shall be the
10 administrator of the state historic preservation division and
11 shall be placed in the department for the purposes of the state
12 program. The state historic preservation officer shall ensure
13 that the division fulfills all the responsibilities of a state
14 historic preservation office as established under federal law
15 and regulations.

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

21 SECTION 4. The employee occupying the division
22 administrator position of the department of land and natural

1 resources state historic preservation division on the effective
2 date of this Act shall not be transferred, demoted, or otherwise
3 dislocated from that position solely as a consequence of this
4 Act.

5 SECTION 5. Each position exempt from chapter 76, Hawaii
6 Revised Statutes, assigned to the department of land and natural
7 resources state historic preservation division, except for the
8 division administrator position, shall be converted to civil
9 service status pursuant to chapter 76, Hawaii Revised Statutes.
10 Any incumbent employee of the state historic preservation
11 division whose position prior to this Act was exempt from civil
12 service shall remain in their position and be appointed to the
13 converted civil service position without the loss of any
14 vacation and sick leave credits previously earned, and other
15 rights, benefits, and privileges, in accordance with state
16 personnel laws and this Act; provided that the employee
17 possesses the minimum qualifications and public employment
18 requirements for the class or position to which appointed;
19 provided further that subsequent changes in status may be made
20 pursuant to applicable civil service and compensation laws.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.



Report Title:

State Historic Preservation; Qualifications; Civil Service

Description:

Specifies qualifications for the State Historic Preservation Officer pursuant to federal law. Requires notice to the Legislature of appointment. Converts positions in the State Historic Preservation Division of DLNR to civil service status.
(HD194 HD1)

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

