
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 include reviewing nominations for
3 the National Register of Historic Places and maintaining data on
4 historic places in Hawaii that have not yet been nominated for
5 the National Register of Historic Places. The state historic
6 preservation officer also serves as the State's consultant to
7 federal agencies during the review of the federal Advisory
8 Council on Historic Preservation's regulations regarding the
9 protection of historic places. Federal agencies also consult
10 with the appropriate state historic preservation officer during
11 their identification of historic properties and their assessment
12 of the effect of an undertaking on a historic property.

13 Due to the important role that the state historic
14 preservation officer serves with regard to federal and state
15 historic preservation matters, the legislature in 1976 required
16 the Hawaii state historic preservation officer to be appointed
17 on the basis of professional competence and experience in the
18 field of historic preservation. The legislature finds that



1 these broadly worded qualifications should be clarified and that
2 this appointment should be based on nationally accepted and
3 applied professional standards that would bring greater
4 accountability and consistency to the appointment of the Hawaii
5 state historic preservation officer.

6 The purpose of this Act is to require that the state
7 historic preservation officer meet the required professional
8 qualification standards established by the United States
9 Secretary of the Interior.

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

12 "**§6E-3 Historic preservation program.** There is
13 established within the department a division to administer a
14 comprehensive historic preservation program, which shall include
15 but not be limited to the following:

16 (1) Development of an on-going program of historical,
17 architectural, and archaeological research and
18 development, including surveys, excavations,
19 scientific recording, interpretation, signage, and
20 publications on the State's historical and cultural
21 resources;



- 1 (2) Acquisition of historic or cultural properties, real
2 or personal, in fee or in any lesser interest, by
3 gift, purchase, condemnation, devise, bequest, land
4 exchange, or other means; preservation, restoration,
5 administration, or transference of the property; and
6 the charging of reasonable admissions to that
7 property;
- 8 (3) Development of a statewide survey and inventory to
9 identify and document historic properties, aviation
10 artifacts, and burial sites, including all those owned
11 by the State and the counties;
- 12 (4) Preparation of information for the Hawaii register of
13 historic places and listing on the national register
14 of historic places;
- 15 (5) Preparation, review, and revisions of a state historic
16 preservation plan, including budget requirements and
17 land use recommendations;
- 18 (6) Application for and receipt of gifts, grants,
19 technical assistance, and other funding from public
20 and private sources for the purposes of this chapter;



- 1 (7) Provision of technical and financial assistance to the
2 counties and public and private agencies involved in
3 historic preservation activities;
- 4 (8) Coordination of activities of the counties in
5 accordance with the state plan for historic
6 preservation;
- 7 (9) Stimulation of public interest in historic
8 preservation, including the development and
9 implementation of interpretive programs for historic
10 properties listed on or eligible for the Hawaii
11 register of historic places;
- 12 (10) Coordination of the evaluation and management of
13 burial sites as provided in section 6E-43;
- 14 (11) Acquisition of burial sites in fee or in any lesser
15 interest, by gift, purchase, condemnation, devise,
16 bequest, land exchange, or other means, to be held in
17 trust;
- 18 (12) Submittal of an annual report to the governor and
19 legislature detailing the accomplishments of the year,
20 recommendations for changes in the state plan or
21 future programs relating to historic preservation, and
22 an accounting of all income, expenditures, and the



- 1 fund balance of the Hawaii historic preservation
2 special fund;
- 3 (13) Regulation of archaeological activities throughout the
4 State;
- 5 (14) Employment of sufficient professional and technical
6 staff for the purposes of this chapter, which [may]
7 shall be in accordance with chapter 76;
- 8 (15) The charging of fees to be determined by the
9 department that are proportional to the nature and
10 complexity of the projects or services provided, and
11 adjusted from time to time to ensure that the
12 proceeds, together with all other fines, income, and
13 penalties collected under this chapter, do not surpass
14 the annual operating costs of the comprehensive
15 historic preservation program;
- 16 (16) Adoption of rules in accordance with chapter 91,
17 necessary to carry out the purposes of this chapter;
18 and
- 19 (17) Development and adoption, in consultation with the
20 office of Hawaiian affairs native historic
21 preservation council, of rules governing permits for



1 access by native Hawaiians and Hawaiians to cultural,
2 historic, and pre-contact sites and monuments."

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

5 "[~~+~~]~~§~~6E-5[~~+~~] State historic preservation officer. (a)

6 The governor shall appoint, with the advice and consent of the
7 senate, a state historic preservation officer, and may appoint
8 the officer without regard to chapter 76, who shall be
9 responsible for the comprehensive historic preservation program
10 and who shall be the state liaison officer for the conduct of
11 relations with the federal government and the respective states
12 with regard to matters of historic preservation.

13 (b) The state historic preservation officer shall [~~be~~
14 ~~appointed on the basis of professional competence and experience~~
15 ~~in the field of historic preservation and]~~]:

16 (1) Be a qualified historic preservation professional in
17 architecture, architectural history, archaeology,
18 history, culture, or a closely related field, who
19 meets the professional qualification standards
20 established by the United States Secretary of the
21 Interior; and



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

3 (c) The state historic preservation officer shall be the
4 administrator of the state historic preservation division and
5 shall be placed in the department for the purposes of the state
6 program. The state historic preservation officer shall be
7 responsible for ensuring compliance with all federal historic
8 preservation laws and regulations.

9 (d) Upon the appointment of a state historic preservation
10 officer, the governor shall immediately notify the president of
11 the senate and the speaker of the house of representatives of
12 the appointment and the appointee's identity and qualifications
13 to serve in that position."

14 SECTION 4. The employee occupying the division
15 administrator position of the department of land and natural
16 resources state historic preservation division on the effective
17 date of this Act shall not be transferred, demoted, or otherwise
18 dislocated from that position solely as a consequence of this
19 Act and shall not be subject to the advice and consent
20 requirement established by this Act.

21 SECTION 5. Each position exempt from chapter 76, Hawaii
22 Revised Statutes, assigned to the department of land and natural



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

15 SECTION 6. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.
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H.B. NO. 194

Report Title:

State Historic Preservation Officer; Qualifications

Description:

Requires that the historic preservation officer meet professional qualification standards established by the United States Secretary of the Interior. Requires the governor to give notice of the appointment of a state historic preservation officer to the legislature.

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

