

ACT 324

H.B. NO. 32

A Bill for an Act Relating to Historic Preservation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State of Hawaii is richly endowed with historically significant archaeological, religious, and cultural sites, artifacts, and architecture. Consequently, it is a major objective of the state historic preservation plan to protect the historic treasures of Hawaii's past through the maintenance of a sound program of regulation and oversight on the state level. The responsibility of historic preservation in Hawaii currently rests with the historic preservation program located within the department of land and natural resources.

The importance of protecting Hawaii's ancient artifacts and historic sites cannot be understated, and the responsibilities of the state historic preservation program in this regard are equally critical. At its foundation, the historic preservation program is a land management program devoted to the preservation of land or properties exhibiting historic or cultural significance. While this responsibility may appear to conflict with the department's role as a land developer, the idea of establishing a separate department does not appear to be feasible from either a budgetary or personnel perspective. The legislature finds that the elevation of the program's status to that of a departmental division will facilitate the development of a more aggressive posture on the part of the program within the department. The purpose of this Act is to establish a division of historic preservation within the department of land and natural resources and to provide the funds and personnel necessary to carry out this reorganization.

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

"§6E-3 Historic preservation program. [The department shall establish] There is established within the department a division to administer a comprehensive historic preservation program which shall include, but not be limited to the following:

- (1) Development of an ongoing program of historical, architectural, and archaeological research and development, including surveys, excavations, scientific recording, interpretation, and publications on the State's historical and cultural resources;
- (2) Acquisition of historic or cultural properties, real or personal, in fee or in any lesser interest, by gift, purchase, condemnation, devise, or bequest; preservation, restoration, administration, or transference of such property; and the charging of reasonable admissions to such property;
- (3) Development of a statewide survey to identify and document historic properties, including all those owned by the State and its political subdivisions;
- (4) Preparation of information for the Hawaii register of historic places and for listing on the national register of historic places;
- (5) Preparation, review, and revisions of a state historic preservation plan, including budget requirements and land use recommendations;
- (6) Application for and receipt of gifts, grants, technical assistance, and other funding from public and private sources for the purposes of this chapter;
- (7) Provision of technical and financial assistance to the political subdivisions of the State and public and private agencies involved in historic preservation activities;
- (8) Coordination of activities of the political subdivisions of the State in accordance with the state plan for historic preservation;
- (9) Stimulation of public interest in historic preservation, including the development and implementation of interpretive programs for historic properties listed on the Hawaii register of historic places;
- (10) Coordination of the evaluation and management of burial sites as provided in section 6E-43;
- [(10)] (11) Submittal of an annual report to the governor and the legislature detailing the accomplishments of the year and the recommendations for changes in the state plan or future programs relating to historic preservation;
- [(11)] (12) Regulation of archaeological activities throughout the State;
- [(12)] (13) Employment of sufficient professional and technical staff for the purposes of this chapter without regard to chapters 76 and 77; and
- [(13)] (14) Adoption of rules in accordance with chapter 91, necessary to carry out the purposes of this chapter."

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$100,000, or 0.0043 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 1989-1990, to establish a division of historic preservation within the department of land and natural resources and to hire the personnel necessary to carry out this reorganization.

SECTION 5. The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

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SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 1989.

(Approved June 15, 1989.)