

ACT 323

H.B. NO. 1955

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 general rules of the department of land and natural resources relating to permitted uses of significant cultural, historic, and pre-contact sites and monuments, such as Iolani Palace and Mauna Ala, are neither specific nor appropriate to the actual uses of these sites and monuments. These rules fail to consider the cultural significance of these sites and monuments, which should be treated with the respect and dignity befitting their importance. The general rules of the state park system relating to beaches, cabins, and outdoor showers, not to mention swimming and horseback riding, are inapplicable and inappropriate to such sites as Iolani Palace and Mauna Ala. The purpose of this Act, consequently, is to amend the historic preservation law by expanding the scope of the State's historic preservation program to include, among other things, the development and adoption, in consultation with the Office of Hawaiian Affairs native historic preservation council, of rules governing permits for access by native Hawaiians and Hawaiians to cultural, historic, and pre-contact sites and monuments.

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

"§6E-3 Historic preservation program. 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 on-going 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, bequest, land exchange, or other means; preservation, restoration, administration, or transference of the property; and the charging of reasonable admissions to that property;
- (3) Development of a statewide survey and inventory to identify and document historic properties and burial sites, including all those owned by the State and [its political subdivisions:] the counties;
- (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] counties and public and private agencies involved in historic preservation activities;
- (8) Coordination of activities of the [political subdivisions of the State] counties 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 or eligible for the Hawaii register of historic places;
- (10) Coordination of the evaluation and management of burial sites as provided in section 6E-43;
 - (11) Acquisition of burial sites in fee or in any lesser interest, by gift, purchase, condemnation, devise, bequest, land exchange, or other means, to be held in trust;
 - (12) Submittal of an annual report to the governor and [the] legislature detailing the accomplishments of the year and recommendations for changes in the state plan or future programs relating to historic preservation;
 - (13) Regulation of archaeological activities throughout the State;
 - (14) Employment of sufficient professional and technical staff for the purposes of this chapter without regard to chapters 76 and 77; [and]
 - (15) Adoption of rules in accordance with chapter 91, necessary to carry out the purposes of this chapter[.]; and
 - (16) Development and adoption, in consultation with the Office of Hawaiian Affairs native historic preservation council, of rules governing permits for access by native Hawaiians and Hawaiians to cultural, historic, and pre-contact sites and monuments.'

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 22, 1993.)