July 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2644 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2644 SD1 HD1 CD1 A BILL FOR AN ACT RELATING TO THE STATE HISTORIC PRESERVATION OFFICER.

Sincerely,

LINDA LINGLE
STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2644

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2644, entitled "A Bill for an Act Relating to The State Historic Preservation Officer."

The purpose of this bill is to amend the qualifications of the State Historic Preservation Officer to meet the required standards established by the United States Secretary of the Interior. Specifically, this bill requires the person appointed by the Governor as the State Historic Preservation Officer be qualified in architecture, architectural history, archaeology, history, culture, or a closely related field.

This bill is objectionable because the United States Department of the Interior does not require that the State Historic Preservation Officer meet professional qualification standards.

Currently, the Chairperson of the Board of Land and Natural Resources serves as the State Historic Preservation Officer. The State Historic Preservation Division of the Department of Land and Natural Resources is managed by an Administrator who is responsible for the daily operations of the division and who reports to the Chairperson of the Board of Land and Natural Resources. The Administrator's position is also
referred to as the Deputy State Historic Preservation Officer.

The fact that the Chairperson of the Board of Land and Natural Resources serves as the State's Historic Preservation Officer has been a long-standing practice that has met with federal approval. Federal regulations specify that the State Historic Preservation Officer is responsible for maintaining a staff that meets the professional qualification requirements, but does not require the State Historic Preservation Officer to have those professional qualifications.

For the foregoing reasons, I am returning Senate Bill No. 2644 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii
RELATING TO THE STATE HISTORIC PRESERVATION OFFICER.

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

SECTION 1. The legislature finds that the state historic preservation officer is the administrator of the state historic preservation program. The state historic preservation officer's duties include reviewing nominations for the National Register of Historic Places and maintaining data on historic places in Hawaii that have not yet been nominated for the National Register of Historic Places. The state historic preservation officer also serves as the State's consultant to federal agencies during review regarding the federal Advisory Council on Historic Preservation's regulations regarding the protection of historic places. Federal agencies also consult with the appropriate state historic preservation officer during their identification of historic properties and their assessment of the effect of an undertaking on a historic property.

Due to the important role the state historic preservation officer serves with regard to federal and state historic preservation matters, the legislature in 1976 required the
Hawaii state historic preservation officer to be appointed on the basis of professional competence and experience in the field of historic preservation. The legislature finds that past and present governors of the State of Hawaii have not appointed Hawaii state historic preservation officers based on these broadly worded qualifications and that basing this appointment on nationally accepted and applied professional standards would bring greater accountability and consistency to the appointment of the Hawaii state historic preservation officer.

The purpose of this Act is to require that any person who is appointed by the governor as a state historic preservation officer, meets the required standards established by the United States Secretary of the Interior.

SECTION 2. Section 6E-5, Hawaii Revised Statutes, is amended to read as follows:

"§6E-5 (a) State historic preservation officer. The governor shall appoint a state historic preservation officer, and may appoint the officer without regard to chapter 76, who shall be responsible for the comprehensive historic preservation program and who shall be the state liaison officer for the conduct of relations with the federal government and the
respective states with regard to matters of historic preservation.

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

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

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

(c) The state historic preservation officer shall be placed in the department for the purposes of the state program.

(d) Upon the appointment of a state historic preservation officer by the governor, the governor shall immediately advise the president of the senate and the speaker of the house of representatives of the identity of the person appointed and the person's qualifications to serve in that position."

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

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