

Honolulu, Hawaii

FEB 28 2008

RE: S.B. No. 2644

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committees on Economic Development and Taxation and  
Agriculture and Hawaiian Affairs, to which was referred S.B.  
No. 2644 entitled:

"A BILL FOR AN ACT RELATING TO THE STATE HISTORIC  
PRESERVATION OFFICER,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Require that any person who is appointed by the Governor as a State Historic Preservation Officer meet the required standards established by the United States Secretary of the Interior; and
- (2) Upon appointment of a State Historic Preservation Officer, require the Governor to 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 the position.

Testimony in support of this measure was received from the Office of Hawaiian Affairs, the O'ahu Island Burial Council, the Society of Hawaiian Archaeology, the Hawaii Government Employees Association AFSCME Local 152, and three individuals. The Department of Land and Natural Resources submitted testimony in opposition.



Your Committees find that section 6E-5, Hawaii Revised Statutes, which authorizes the Governor to appoint a State Historic Preservation Officer, is required of all states wanting to participate in the federal Historic Preservation Program and to receive annual grant support from the Historic Preservation Fund, which is administered by the National Park Service. Under both federal and Hawaii law, the designated State Historic Preservation Officer is responsible for ensuring that the State's Historic Preservation Program meets federal program requirements and that the State Historic Preservation Office is staffed with qualified professionals.

Your Committees are concerned that during the last three years, members have witnessed what can happen when neither the State Historic Preservation Officer nor the Deputy State Historic Preservation Officer has a professional background in historic preservation. The result has been a general and marked deterioration in the program's ability to meet its mandated responsibilities and the loss of a considerable number of professional staff.

Your Committees further find that this measure would be a significant step towards ensuring that the state program is administered in a professional and competent manner, that it is staffed appropriately by professionals meeting national standards, and that decisions are well grounded in historic preservation law and professional practice. In addition, the stricter requirements for the State Historic Preservation Officer do not preclude the Chairperson of the Board of Land and Natural Resources from being designated as the State Historic Preservation Officer, provided that he or she meets these requirements.

Your Committees have amended this measure by:

- (1) Clarifying the findings and purpose section regarding the important role the State Historic Preservation Officer serves with regard to federal and state historic preservation matters, the legislative history that required the position to be appointed on the basis of professional competence and experience in the field of historic preservation, and the failure of past and present governors to appoint Hawaii State Historic Preservation Officers based on these broadly worded qualifications; and



(2) Making a technical amendment.

As affirmed by the records of votes of the members of your Committees on Economic Development and Taxation and Agriculture and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2644, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2644, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Economic  
Development and Taxation and  
Agriculture and Hawaiian  
Affairs,



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JILL TOKUDA, Chair



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CAROL FUKUNAGA, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii


**Record of Votes**  
**Committee on Economic Development and Taxation**  
**EDT**

Bill / Resolution No.:* <i>SB 2644</i>	Committee Referral: <i>EDT/AHW</i>	Date: <i>2/21/08</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.	/			
ENGLISH, J. Kalani				/
IGE, David Y.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<i>5</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Will Espero</i>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Agriculture and Hawaiian Affairs**  
**AHW**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2644	EDT/AHW	26 Feb 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
GABBARD, Mike	✓			
HEE, Clayton				✓
KOKUBUN, Russell S.				✓
SLOM, Sam		✓		
<b>TOTAL</b>	3	1		2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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