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# A BILL FOR AN ACT

RELATING TO THE STATE HISTORIC PRESERVATION DIVISION.

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

1           SECTION 1. Section 6E-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

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

7           (1) Development of an ongoing program of historical,  
8 architectural, and archaeological research and  
9 development, including surveys, excavations,  
10 scientific recording, interpretation, signage, and  
11 publications on the State's historical and cultural  
12 resources;

13           (2) Acquisition of historic or cultural properties, real  
14 or personal, in fee or in any lesser interest, by  
15 gift, purchase, condemnation, devise, bequest, land  
16 exchange, or other means; preservation, restoration,  
17 administration, or transference of the property; and



- 1 the charging of reasonable admissions to that  
2 property;
- 3 (3) Development of a statewide survey and inventory to  
4 identify and document historic properties, aviation  
5 artifacts, and burial sites, including all those owned  
6 by the State and the counties;
- 7 (4) Preparation of information for the Hawaii register of  
8 historic places and listing on the national register  
9 of historic places;
- 10 (5) Preparation, review, and revisions of a state historic  
11 preservation plan, including budget requirements and  
12 land use recommendations;
- 13 (6) Application for and receipt of gifts, grants,  
14 technical assistance, and other funding from public  
15 and private sources for the purposes of this chapter;
- 16 (7) Provision of technical and financial assistance to the  
17 counties and public and private agencies involved in  
18 historic preservation activities;
- 19 (8) Coordination of activities of the counties in  
20 accordance with the state plan for historic  
21 preservation;



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



- 1       (14) Employment of sufficient professional and technical  
2           staff for the purposes of this chapter which may be in  
3           accordance with chapter 76;
- 4       (15) The charging of fees, to be determined  
5           administratively by the department, that are  
6           proportional to the nature and complexity of the  
7           projects or services provided[7] and are adjusted from  
8           time to time to ensure that the proceeds, together  
9           with all other fines, income, and penalties collected  
10          under this chapter, do not surpass the annual  
11          operating costs of the comprehensive historic  
12          preservation program; provided that:
- 13          (A) The department shall establish a standardized fee  
14             schedule that shall be posted in a conspicuous  
15             place in the division's office and on its  
16             website; and
- 17          (B) The establishment of the standardized fee  
18             schedule shall not be subject to chapter 91;
- 19       (16) Adoption of rules in accordance with chapter 91,  
20           necessary to carry out the purposes of this chapter;  
21           and



1           (17) Development and adoption, in consultation with the  
2                   office of Hawaiian affairs native historic  
3                   preservation council, of rules governing permits for  
4                   access by native Hawaiians and Hawaiians to cultural,  
5                   historic, and pre-contact sites and monuments."

6           SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

DLNR; SHPD; Historic Preservation; Fees

**Description:**

Requires the DLNR to establish a standardized fee schedule for the administration of its comprehensive historic preservation program. Exempts the establishment of fees from the rulemaking process. (HB2122 HD1)

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

