
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Photographs of historic property. Notwithstanding
5 any other law to the contrary, each county agency that issues
6 building, construction, or development-related permits shall not
7 issue any permit allowing the demolition, construction, or other
8 alteration of a historic building until after a permit applicant
9 provides proof of having provided the department of land and
10 natural resources with archival quality black and white
11 photographs of the historic building, as required under chapter
12 6E."

13 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Before any agency or officer of the State or its
16 political subdivisions commences any project which may affect
17 historic property, aviation artifact, or a burial site, the
18 agency or officer shall advise the department and allow the



1 department an opportunity for review of the effect of the
2 proposed project on historic properties, aviation artifacts, or
3 burial sites, consistent with section 6E-43, especially those
4 listed on the Hawaii register of historic places. The proposed
5 project shall not be commenced, or in the event it has already
6 begun, continued, until the department shall have given its
7 written concurrence. In the case of any building that is
8 eligible for listing or is listed on the Hawaii or national
9 register of historic places, no demolition, construction, or
10 other alteration of the building shall occur until after the
11 responsible agency, officer, or county has transmitted archival
12 quality black and white photographs of the historic building to
13 the department.

14 The department is to provide written concurrence or non-
15 concurrence within ninety days after the filing of a request
16 with the department. The agency or officer seeking to proceed
17 with the project, or any person, may appeal the department's
18 concurrence or non-concurrence to the Hawaii historic places
19 review board. An agency, officer, or other person who is
20 dissatisfied with the decision of the review board may apply to
21 the governor, who may request the Hawaii advisory council on



1 historic preservation to report or who may take action as the
2 governor deems best in overruling or sustaining the department."

3 SECTION 3. Section 6E-10, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§6E-10 Privately owned historic property.** (a) Before
6 any construction, alteration, disposition or improvement of any
7 nature, by, for, or permitted by a private landowner may be
8 commenced which will affect an historic property on the Hawaii
9 register of historic places, the landowner shall notify the
10 department of the construction, alteration, disposition, or
11 improvement of any nature and allow the department opportunity
12 for review of the effect of the proposed construction,
13 alteration, disposition, or improvement of any nature on the
14 historic property. The proposed construction, alteration,
15 disposition, or improvement of any nature shall not be
16 commenced, or in the event it has already begun, continue, until
17 the department shall have given its concurrence or ninety days
18 have elapsed. Within ninety days after notification, the
19 department shall:

20 (1) Commence condemnation proceedings for the purchase of
21 the historic property if the department and property



1 owner do not agree upon an appropriate course of
2 action;

3 (2) Permit the owner to proceed with the owner's
4 construction, alteration, or improvement; or

5 (3) In coordination with the owner, undertake or permit
6 the investigation, recording, preservation, and
7 salvage of any historical information deemed necessary
8 to preserve Hawaiian history, by any qualified agency
9 for this purpose.

10 (b) In the case of any building over fifty years old, no
11 demolition, construction, or other alteration of the building
12 shall occur until after the owner has transmitted to the
13 department, at the owner's expense, archival quality black and
14 white photographs of the building.

15 [~~(b)~~] (c) Nothing in this section shall be construed to
16 prevent the ordinary maintenance or repair of any feature in or
17 on an historic property that does not involve a change in
18 design, material, or outer appearance or change in those
19 characteristics which qualified the historic property for entry
20 onto the Hawaii register of historic places.

21 [~~(c)~~] (d) Any person, natural or corporate, who violates
22 the provisions of this section shall be fined not more than



1 \$1,000, and each day of continued violation shall constitute a
2 distinct and separate offense under this section for which the
3 offender may be punished.

4 [~~(d)~~] (e) If funds for the acquisition of needed property
5 are not available, the governor may, upon the recommendation of
6 the department allocate from the contingency fund an amount
7 sufficient to acquire an option on the property or for the
8 immediate acquisition, preservation, restoration, or operation
9 of the property.

10 [~~(e)~~] (f) The department may enter, solely in performance
11 of its official duties and only at reasonable times, upon
12 private lands for examination or survey thereof. Whenever any
13 member of the department duly authorized to conduct
14 investigations and surveys of an historic or cultural nature
15 determines that entry onto private lands for examination or
16 survey of historic or cultural finding is required, the
17 department shall give written notice of the finding to the owner
18 or occupant of such property at least five days prior to entry.
19 If entry is refused, the member may make a complaint to the
20 district court in the circuit in which such land is located.
21 The district court may thereupon issue a warrant, directed to
22 any police officer of the circuit, commanding the officer to



1 take sufficient aid, and, being accompanied by a member of the
2 department, between the hours of sunrise and sunset, allow the
3 member of the department to examine or survey the historic or
4 cultural property."

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2008.



H.B. NO. 2486
S.D. 1
C.D. 1

Report Title:

Historic Buildings; Photographs

Description:

Requires the provision of archival quality black and white photographs of historic buildings to the department of land and natural resources as a condition of receiving a permit or approval to demolish, construct, or otherwise alter the building. (HB2486 CD1)

HB2486 CD1 HMS 2008-4001

