

JAN 18 2008

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 over fifty
8 years old, no demolition, construction, or other alteration of
9 the building shall occur until after the responsible agency,
10 officer, or county has transmitted archival quality black and
11 white photographs of that building to the department.

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



1 SECTION 3. Section 6E-10, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "§6E-10 Privately owned historic property. (a) Before
4 any construction, alteration, disposition or improvement of any
5 nature, by, for, or permitted by a private landowner may be
6 commenced which will affect an historic property on the Hawaii
7 register of historic places, the landowner shall notify the
8 department of the construction, alteration, disposition, or
9 improvement of any nature and allow the department opportunity
10 for review of the effect of the proposed construction,
11 alteration, disposition, or improvement of any nature on the
12 historic property. In the case of any building over fifty years
13 old, no demolition, construction, or other alteration of the
14 building shall occur until after the owner has transmitted to
15 the department, at the owner's expense, archival quality black
16 and white photographs of the historic building. The proposed
17 construction, alteration, disposition, or improvement of any
18 nature shall not be commenced, or in the event it has already
19 begun, continue, until the department shall have given its
20 concurrence or ninety days have elapsed. Within ninety days
21 after notification, the department shall:



- 1 (1) Commence condemnation proceedings for the purchase of
2 the historic property if the department and property
3 owner do not agree upon an appropriate course of
4 action;
- 5 (2) Permit the owner to proceed with the owner's
6 construction, alteration, or improvement; or
- 7 (3) In coordination with the owner, undertake or permit
8 the investigation, recording, preservation, and
9 salvage of any historical information deemed necessary
10 to preserve Hawaiian history, by any qualified agency
11 for this purpose."

12 SECTION 4. New statutory material is underscored.

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

14

INTRODUCED BY: Carol Johnson

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Report Title:

Historic Buildings; Photographs

Description:

Requires a private or public owner of a historic building to provide archival quality black and white photographs of the building to the department of land and natural resources, as a condition of receiving a permit or approval to demolish, construct, or otherwise alter that building.

