
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Section 6E-10, Hawaii Revised Statutes, is
2 amended 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. The proposed construction, alteration,
13 disposition, or improvement of any nature shall not be
14 commenced, or in the event it has already begun, continue, until
15 the department shall have given its concurrence or ninety days
16 have elapsed. Within ninety days after notification, the
17 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 ~~[(b) In the case of any building over fifty years old, no~~

13 ~~demolition, construction, or other alteration of the building~~

14 ~~shall occur until after the owner has transmitted to the~~

15 ~~department, at the owner's expense, archival quality black and~~

16 ~~white photographs of the building.~~

17 ~~(e)]~~ (b) Nothing in this section shall be construed to

18 prevent the ordinary maintenance or repair of any feature in or

19 on an historic property that does not involve a change in

20 design, material, or outer appearance or change in those

21 characteristics which qualified the historic property for entry

22 onto the Hawaii register of historic places.



1 [~~(d)~~] (c) Any person, natural or corporate, who violates
2 the provisions of this section shall be fined not more than
3 \$1,000, and each day of continued violation shall constitute a
4 distinct and separate offense under this section for which the
5 offender may be punished.

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

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



1 The district court may thereupon issue a warrant, directed to
 2 any police officer of the circuit, commanding the officer to
 3 take sufficient aid, and, being accompanied by a member of the
 4 department, between the hours of sunrise and sunset, allow the
 5 member of the department to examine or survey the historic or
 6 cultural property."

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

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

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INTRODUCED BY:

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Report Title:

Historic Preservation

Description:

Clarifies Act 228, Session Laws of Hawaii 2008, to focus scope on properties that are eligible to be listed or is listed on the Hawaii or national register of historic places.

