

JAN 26 2009

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-8, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Before any agency or officer of the State or its
4 political subdivisions commences any project [~~which may affect~~
5 ~~historic property, aviation artifact, or a burial site~~], the
6 agency or officer shall advise the department and allow the
7 department an opportunity for review of the effect of the
8 proposed project on historic properties, aviation artifacts, or
9 burial sites, consistent with section 6E-43, especially those
10 listed on the Hawaii register of historic places. The proposed
11 project shall not be commenced, or in the event it has already
12 begun, continued, until the department shall have given its
13 written concurrence. In the case of any building that is
14 eligible for listing or is listed on the Hawaii or national
15 register of historic places, no demolition, construction, or
16 other alteration of the building shall occur until after the
17 responsible agency, officer, or county has transmitted archival



1 quality black and white photographs of the historic building to
2 the department.

3 The department is to provide written concurrence or non-
4 concurrence within ninety days after the filing of a request
5 with the department. The agency or officer seeking to proceed
6 with the project, or any person, may appeal the department's
7 concurrence or non-concurrence to the Hawaii historic places
8 review board. An agency, officer, or other person who is
9 dissatisfied with the decision of the review board may apply to
10 the governor, who may request the Hawaii advisory council on
11 historic preservation to report or who may take action as the
12 governor deems best in overruling or sustaining the department."

13 SECTION 2. Section 6E-42, 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 approves any project involving a permit,
17 license, certificate, land use change, subdivision, or other
18 entitlement for use, [~~which may affect historic property,~~
19 ~~aviation artifacts, or a burial site,~~] the agency or office
20 shall advise the department and prior to any approval allow the
21 department an opportunity for review and comment on the effect
22 of the proposed project on historic properties, aviation



1 artifacts, or burial sites, consistent with section 6E-43,
2 including those listed in the Hawaii register of historic
3 places."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY: _____

~~_____~~
By Request



Report Title:

Historic Preservation

Description:

Requires the department of land and natural resources to review all proposed projects to determine effects on historic properties, aviation artifacts, or burial sites.

