

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1           SECTION 1. Sections 6E-8 and 6E-42, Hawaii Revised  
2 Statutes, do not require the department of land and natural  
3 resources' state historic preservation division to review and  
4 comment on all projects proposed or approved by state or county  
5 agencies. Instead, sections 6E-8 and 6E-42 allow the state and  
6 county agencies to make the first determination whether a  
7 proposed project may impact historic properties or burial sites.  
8 If the agencies determine that the proposed project will not  
9 impact these sites, the state historic preservation division does  
10 not receive the opportunity to review or comment on the project.

11           The legislature finds that this loophole in the law exposes  
12 historic properties and burial sites to unnecessary harm. The  
13 state historic preservation division, with its archaeological  
14 expertise and its historic preservation mandate, is the state  
15 agency best suited to make the first determination as to a  
16 proposed project's impact on historic properties and burial  
17 sites.



1           The purpose of this Act is to provide the state historic  
2 preservation division with the authority to determine which  
3 projects will affect historic properties, aviation artifacts, and  
4 burial sites.

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

7           "(a) Before any agency or officer of the State or its  
8 political subdivisions commences any project [~~which may affect~~  
9 ~~historic property, aviation artifact, or a burial site~~], the  
10 agency or officer shall advise the department and allow the  
11 department an opportunity for review of the effect of the  
12 proposed project on historic properties, aviation artifacts, or  
13 burial sites, consistent with section 6E-43, especially those  
14 listed on the Hawaii register of historic places. The proposed  
15 project shall not be commenced, or in the event it has already  
16 begun, continued, until the department shall have given its  
17 written concurrence.

18           The department is to provide written concurrence or non-  
19 concurrence within ninety days after the filing of a request  
20 with the department. The agency or officer seeking to proceed  
21 with the project, or any person, may appeal the department's  
22 concurrence or non-concurrence to the Hawaii historic places



1 review board. An agency, officer, or other person who is  
2 dissatisfied with the decision of the review board may apply to  
3 the governor, who may request the Hawaii advisory council on  
4 historic preservation to report or who may take action as the  
5 governor deems best in overruling or sustaining the department."

6 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) Before any agency or officer of the State or its  
9 political subdivisions approves any project involving a permit,  
10 license, certificate, land use change, subdivision, or other  
11 entitlement for use, [~~which may affect historic property,  
12 aviation artifacts, or a burial site,~~] the agency or office  
13 shall advise the department and prior to any approval allow the  
14 department an opportunity for review and comment on the effect  
15 of the proposed project on historic properties, aviation  
16 artifacts, or burial sites, consistent with section 6E-43,  
17 including those listed in the Hawaii register of historic  
18 places."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken.



# S.B. NO. 983

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY: *W.C.T.R.*  
By Request



**Report Title:**

Historic Preservation; Review of Proposed State Projects; DLNR

**Description:**

Authorizes DLNR to determine which projects will affect historic properties, aviation artifacts, and burial sites.

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

