

---

---

## 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-5.5, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§6E-5.5 The Hawaii historic places review board;**  
4 **creation; powers; appointments; composition.** (a) There is  
5 created a review board, to be designated the Hawaii historic  
6 places review board, for the Hawaii register of historic places  
7 and the national register of historic places [~~which~~] that shall  
8 meet the requirements of federal law. The board shall be placed  
9 within the department of land and natural resources for  
10 administrative purposes and shall consist of ten members to be  
11 appointed and removed by the governor as provided in section  
12 26-34. The board shall include one professionally qualified  
13 member of each of the following disciplines: archaeology,  
14 architecture, history, and sociology. In addition, there shall  
15 be one person knowledgeable in traditional Hawaiian society and  
16 culture.  
17           (b) The review board shall:



- 1 (1) Order and enter historic properties into the Hawaii  
2 register of historic places on the basis of their  
3 value to Hawaii's heritage;
- 4 (2) Evaluate and, when appropriate, recommend the  
5 nomination of historic properties to the national  
6 register of historic places;
- 7 (3) Hear and act upon a petition by any agency of the  
8 State or its political subdivisions or by any other  
9 person to remove historic properties from the Hawaii  
10 register of historic places;
- 11 [~~3~~] (4) Review the state survey of historic properties  
12 undertaken in accordance with this chapter;
- 13 [~~4~~] (5) Review the content of the state historic  
14 preservation plan developed in accordance with this  
15 chapter;
- 16 [~~5~~] (6) Elect a chairperson and a vice-chairperson [~~and~~  
17 ~~adopt such rules as are necessary for the purposes of~~  
18 ~~this section~~]; and
- 19 [~~6~~] (7) Maintain the Hawaii register of historic places,  
20 including all those listed on the national register of  
21 historic places, and a program of notification and  
22 publication regarding properties on the registers.



1 (c) The members of the review board shall serve without  
2 compensation but shall be reimbursed for expenses, including  
3 travel expenses, necessary for the performance of their duties.

4 (d) The department's determinations made pursuant to  
5 section 6E-8 may be appealed to the review board.

6 (e) The review board shall adopt rules pursuant to chapter  
7 91 to carry out the purposes of this section."

8 SECTION 2. Section 6E-7, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10 "(d) The State shall not transfer [~~any~~]:

11 (1) Any historic property or aviation artifact under its  
12 jurisdiction without the concurrence of the  
13 department [~~, and shall not transfer any~~];

14 (2) Any historic property on the Hawaii register of  
15 historic places under its jurisdiction unless the  
16 historic property is removed from the register; and

17 (3) Any burial site under its jurisdiction without  
18 consulting the appropriate island burial council."

19 SECTION 3. Section 6E-8, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "**§6E-8 Review of effect of proposed state projects.** (a)

22 Before any agency or officer of the State or its political



1 subdivisions commences any project [~~which~~] that may affect  
2 historic property, aviation artifact, or a burial site, the  
3 agency or officer shall advise the department and allow the  
4 department an opportunity for review of the effect of the  
5 proposed project on historic properties, aviation artifacts, or  
6 burial sites, consistent with section 6E-43[~~, especially those~~  
7 ~~listed on the Hawaii register of historic places~~]. The proposed  
8 project shall not be commenced, or in the event it has already  
9 begun, continued, until the department shall have given its  
10 written concurrence.

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

21 (b) Before any agency or officer of the State or its  
22 political subdivisions commences any project that may affect any



1 historic property on the Hawaii register of historic places, the  
2 agency or officer shall petition the Hawaii historic places  
3 review board to remove the historic property from the Hawaii  
4 register of historic places. The proposed project shall not be  
5 commenced or, in the event it has already begun, continued,  
6 until the Hawaii historic places review board has removed the  
7 historic property from the Hawaii register of historic places.

8       ~~[(b)]~~ (c) The department of Hawaiian home lands, prior to  
9 any proposed project relating to lands under its jurisdiction,  
10 shall consult with the department regarding the effect of the  
11 project upon historic property or a burial site.

12       ~~[(e)]~~ (d) The State, its political subdivisions, agencies,  
13 and officers shall report to the department the finding of any  
14 historic property during any project and shall cooperate with  
15 the department in the investigation, recording, preservation,  
16 and salvage of the property."

17       SECTION 4. Section 6E-10, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19       "(a) Before any construction, alteration, disposition, or  
20 improvement of any nature, by, for, or permitted by a private  
21 landowner may be commenced ~~[which]~~ that will affect an historic  
22 property on the Hawaii register of historic places~~[, the]~~:



1       (1) The landowner shall ~~[notify the department of the~~  
2       ~~construction, alteration, disposition, or improvement~~  
3       ~~of any nature and allow the department opportunity for~~  
4       ~~review of the effect of the proposed construction,~~  
5       ~~alteration, disposition, or improvement of any nature~~  
6       ~~on the historic property.]~~ petition the Hawaii  
7       historic places review board for the removal of the  
8       historic property from the Hawaii register of historic  
9       places. The proposed construction, alteration,  
10      disposition, or improvement of any nature shall not be  
11      commenced~~[,~~ or~~]~~ in the event it has already begun,  
12      ~~[continue, until the department shall have given its~~  
13      ~~concurrence or ninety days have elapsed.]~~ continued,  
14      until the Hawaii historic places review board has  
15      removed the historic property from the Hawaii register  
16      of historic places or the passage of ninety days from  
17      the time of the filing of the petition, whichever  
18      first occurs. Within the ninety days after  
19      ~~[notification,~~ the filing of the petition to remove  
20      the historic property from the Hawaii register of  
21      historic places, the department ~~[shall~~



1        ~~(1)~~ ~~Commence~~] may commence condemnation proceedings for  
2        the purchase of the historic property if the  
3        department and property owner do not agree upon an  
4        appropriate course of action;

5        [~~(2)~~ ~~Permit the owner to proceed with the owner's~~  
6        ~~construction, alteration, or improvement;~~] or

7        [~~(3)~~ ~~In~~] (2) As an alternative to the removal of the  
8        private property from the Hawaii register of historic  
9        places, the department of land and natural resources  
10       may permit the construction, alternation, or  
11       improvement of the private property and in  
12       coordination with the owner, undertake or permit the  
13       investigation, recording, preservation, and salvage of  
14       any historical information deemed necessary to  
15       preserve Hawaiian history, by any qualified agency for  
16       this purpose."

17       SECTION 5. Statutory material to be repealed is bracketed  
18       and stricken. New statutory material is underscored.

19       SECTION 6. This Act shall take effect on January 1, 2009.

20

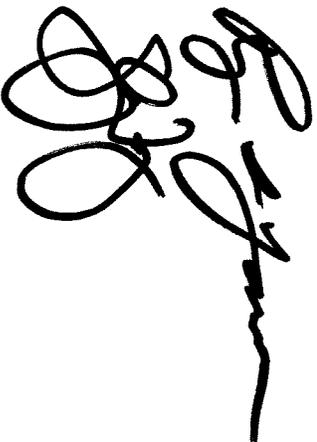
INTRODUCED BY: Kirill C. Caldwell

*de v*

*Calvin K. Day*  
*J. K. Karaman*  
*Kel O.*



H.B. NO. 1857

A handwritten signature in black ink, appearing to read "John W. Wilson". The signature is written in a cursive style with a large initial "J".A handwritten signature in black ink, appearing to read "R. Ryan". The signature is written in a cursive style with a large initial "R".

JAN 24 2007



**Report Title:**

Historic Property; Register of Historic Sites

**Description:**

Enables Hawaii historic places review board to remove historic properties from the Hawaii register of historic places; requires removal of historic property from register prior to any state or county action that would affect the property; requires removal of historic property from register or passage of ninety days following the filing of a petition for removal before a person may undertake action that affects privately owned historic property on the register or if department of land and natural resources agrees undertake mitigative retrieval measures.

