

ACT 187

S.B. NO. 639

A Bill for an Act Relating to Historic Preservation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 6E-5.5, Hawaii Revised Statutes, is amended to read as follows:

**“[[§6E-5.5]] The Hawaii historic places review board; creation; powers; appointments; composition.** (a) There is created a review board, to be designated the Hawaii historic places review board, for the Hawaii register of historic places and the national register of historic places which shall meet the requirements of federal law. The board shall be placed within the department of land and natural resources for administrative purposes and shall consist of ten members to be appointed and removed by the governor as provided in section 26-34. The board

shall include one professionally qualified member of each of the following disciplines: archeology, architecture, history, and sociology. In addition, there shall be one person knowledgeable in traditional Hawaiian society and culture.

(b) The review board shall:

- (1) Order and enter historic properties into the Hawaii register of historic places on the basis of their value to Hawaii's heritage;
- (2) Evaluate and, when appropriate, recommend the nomination of historic properties to the national register of historic places;
- (3) Review the state survey of historic properties undertaken in accordance with this chapter;
- (4) Review the content of the state historic preservation plan developed in accordance with this chapter;
- (5) Elect a chairman and a vice-chairman and adopt such rules as are necessary for the purposes of this section;
- (6) Maintain the Hawaii register of historic places, including all those listed on the national register of historic places, and a program of notification and publication regarding properties on the registers.

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

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

SECTION 2. Section 6E-8, Hawaii Revised Statutes, is amended to read as follows:

**"§6E-8 Review of effect of proposed state projects.** (a) Before any agency or officer of the State or its political subdivisions commences any project which may affect historic property or a burial site, the agency or officer shall advise the department and allow the department an opportunity for review of the effect of the proposed project on historic properties or burial sites, consistent with section 6E-43, especially those listed on the Hawaii register of historic places. The proposed project shall not be commenced, or in the event it has already begun, continued, until the department shall have given its written concurrence.

[If the concurrence of the department is not obtained within ninety days after the filing of a request with the department, the agency or officer seeking to proceed with the project] The department is to provide written concurrence or non-concurrence within ninety days after the filing of a request with the department. The agency or officer seeking to proceed with the project, or any person, may appeal the department's concurrence or non-concurrence to the Hawaii historic places review board. An agency, officer, or other person who is dissatisfied with the decision of the review board may apply to the governor who may request the Hawaii advisory council on historic preservation to report or who may take<sup>1</sup> action as the governor deems best in overruling or sustaining the department.<sup>2</sup>"

SECTION 3. Section 6E-42, Hawaii Revised Statutes, is amended to read as follows:

**"§6E-42 Review of proposed projects.** (a) Before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property or a burial site, the agency or office shall advise the department and prior to any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties or burial

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sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places.

(b) The department shall inform the public of any project proposals submitted to it under this section which are not otherwise subject to the requirement of a public hearing or other public notification.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 15, 1995.)

### Notes

1. Prior to amendment “such” appeared here.
2. Subsections (b) and (c) missing.