
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Photographs of historic property. Notwithstanding
5 any other law to the contrary, each county agency that issues
6 building, construction, or development-related permits shall not
7 issue any permit allowing the demolition, construction, or other
8 alteration of a building that is eligible for listing or is
9 listed on the Hawaii or national register of historic places
10 until after a permit applicant provides proof of having provided
11 the department of land and natural resources with archival
12 quality black and white photographs of the historic building, as
13 required under chapter 6E."

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

16 "(a) Before any agency or officer of the State or its
17 political subdivisions commences any project which may affect
18 historic property, aviation artifact, or a burial site, the



1 agency or officer shall advise the department and allow the
2 department an opportunity for review of the effect of the
3 proposed project on historic properties, aviation artifacts, or
4 burial sites, consistent with section 6E-43, especially those
5 listed on the Hawaii register of historic places. The proposed
6 project shall not be commenced, or in the event it has already
7 begun, continued, until the department shall have given its
8 written concurrence. In the case of any building that is
9 eligible for listing or is listed on the Hawaii or national
10 register of historic places, no demolition, construction, or
11 other alteration of the building shall occur until after the
12 responsible agency, officer, or county has transmitted archival
13 quality black and white photographs of the historic building to
14 the department.

15 The department is to provide written concurrence or non-
16 concurrence within ninety days after the filing of a request
17 with the department. The agency or officer seeking to proceed
18 with the project, or any person, may appeal the department's
19 concurrence or non-concurrence to the Hawaii historic places
20 review board. An agency, officer, or other person who is
21 dissatisfied with the decision of the review board may apply to
22 the governor, who may request the Hawaii advisory council on



1 historic preservation to report or who may take action as the
2 governor deems best in overruling or sustaining the department."

3 SECTION 3. Section 6E-10, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Before any construction, alteration, disposition or
6 improvement of any nature, by, for, or permitted by a private
7 landowner may be commenced which will affect an historic
8 property on the Hawaii register of historic places, the
9 landowner shall notify the department of the construction,
10 alteration, disposition, or improvement of any nature and allow
11 the department opportunity for review of the effect of the
12 proposed construction, alteration, disposition, or improvement
13 of any nature on the historic property. In the case of any
14 building that is eligible for listing or is listed on the
15 Hawaii or national register of historic places, no demolition,
16 construction, or other alteration of the building shall occur
17 until after the owner has transmitted to the department, at the
18 owner's expense, archival quality black and white photographs of
19 the historic building. The proposed construction, alteration,
20 disposition, or improvement of any nature shall not be
21 commenced, or in the event it has already begun, continue, until
22 the department shall have given its concurrence or ninety days



1 have elapsed. Within ninety days after notification, the
2 department shall:

3 (1) Commence condemnation proceedings for the purchase of
4 the historic property if the department and property
5 owner do not agree upon an appropriate course of
6 action;

7 (2) Permit the owner to proceed with the owner's
8 construction, alteration, or improvement; or

9 (3) In coordination with the owner, undertake or permit
10 the investigation, recording, preservation, and
11 salvage of any historical information deemed necessary
12 to preserve Hawaiian history, by any qualified agency
13 for this purpose."

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2008.



Report Title:

Historic Buildings; Photographs

Description:

Requires a private or public owner of a building that is eligible for listing or is listed on the Hawaii or national register of historic places to provide archival quality black and white photographs of the building to the department of land and natural resources, as a condition of receiving a permit or approval to demolish, construct, or otherwise alter that building. (SD1)

