

JAN 17 2024

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 to read as follows:

3 "**§6E-8 Review of effect of proposed state projects.** (a)

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

14 (1) The proposed project consists of corridors or large
15 land areas;

16 (2) Access to properties is restricted; or



1 (3) Circumstances dictate that construction be done in
2 stages,
3 the department may give its written concurrence based on a
4 phased review of the project; provided that there shall be a
5 programmatic agreement between the department and the project
6 applicant that identifies each phase and the estimated timelines
7 for each phase.

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

17 (b) The department of Hawaiian home lands, prior to any
18 proposed project relating to lands under its jurisdiction, shall
19 consult with the department regarding the effect of the project
20 upon historic property or a burial site.



1 (c) The State, its political subdivisions, agencies, and
2 officers shall report to the department the finding of any
3 historic property during any project and shall cooperate with
4 the department in the investigation, recording, preservation,
5 and salvage of the property.

6 (d) State projects on a state-owned building shall not be
7 subject to the department's review unless the affected property
8 is:

9 (1) More than one hundred years old;

10 (2) Listed on the Hawaii register of historic places or
11 the national register of historic places; or

12 (3) Pending application to be added to the Hawaii register
13 of historic places or the national register of
14 historic places.

15 [~~d~~] (e) The department shall adopt rules in accordance
16 with chapter 91 to implement this section."

17 SECTION 2. Section 6E-2, Hawaii Revised Statutes, is
18 amended by amending the definition of "historic property" to
19 read as follows:



1 ""Historic property" means any building, structure, object,
2 district, area, or site, including a heiau and an underwater
3 site, [~~which~~] that is over [~~fifty~~]:

4 (1) Fifty years old[~~r~~] and meets the criteria to be placed
5 onto the Hawaii register of historic places or has
6 important value to Native Hawaiians or other ethnic
7 groups of the State due to associations with cultural
8 practices once carried out, or still being carried
9 out, at the property or due to associations with
10 traditional beliefs, events, or oral accounts that are
11 important to the group's history, traditional
12 practices, and cultural identity; or

13 (2) One hundred years old."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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



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INTRODUCED BY:

K. A. Hill



S.B. NO. 2129

Report Title:

State Historic Preservation Program; Historic Property

Description:

Expands the definition of "historic property" for purposes of the historic preservation program. Exempts state projects on state-owned buildings from state historic preservation division review unless the affected property is more than one hundred years old or on or being added to the Hawaii register of historic places or the national register of historic places.

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