

OFFICE OF THE GOVERNOR
STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY



GOV. MSG. NO. 1185

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 21, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 21, 2013, the following bill was signed into law:

SB1171 SD1 HD2

RELATING TO THE REVIEW OF HISTORIC
PRESERVATION PROJECTS
ACT 085 (13)

Aloha
Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on MAY 21 2013

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 085

S.B. NO. 1171
S.D. 1
H.D. 2

A BILL FOR AN ACT

RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS.

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

1 SECTION 1. Section 6E-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Programmatic agreement" means a document that sets forth
5 the terms of a formal, legally binding agreement and establishes
6 a process for consultation, review, and compliance with federal
7 laws."

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

10 **"§6E-8 Review of effect of proposed state projects. (a)**
11 Before any agency or officer of the State or its political
12 subdivisions commences any project which may affect historic
13 property, aviation artifact, or a burial site, the agency or
14 officer shall advise the department and allow the department an
15 opportunity for review of the effect of the proposed project on
16 historic properties, aviation artifacts, or burial sites,
17 consistent with section 6E-43, especially those listed on the
18 Hawaii register of historic places. The proposed project shall

SB1171 HD2 HMS 2013-3283



1 not be commenced, or [~~in the event~~] if it has already begun,
2 continued, until the department [~~shall have~~] has given its
3 written concurrence. If:

4 (1) The proposed project consists of corridors or large
5 land areas;

6 (2) Access to properties is restricted; or

7 (3) Circumstances dictate that construction be done in
8 stages,

9 the department may give its written concurrence based on a
10 phased review of the project; provided that there shall be a
11 programmatic agreement between the department and the project
12 applicant that identifies each phase and the estimated timelines
13 for each phase.

14 The department [~~is to~~] shall provide written concurrence or
15 non-concurrence within ninety days after the filing of a request
16 with the department. The agency or officer seeking to proceed
17 with the project, or any person, may appeal the department's
18 concurrence or non-concurrence to the Hawaii historic places
19 review board. An agency, officer, or other person who is
20 dissatisfied with the decision of the review board may apply to
21 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 (b) The department of Hawaiian home lands, prior to any
4 proposed project relating to lands under its jurisdiction, shall
5 consult with the department regarding the effect of the project
6 upon historic property or a burial site.

7 (c) The State, its political subdivisions, agencies, and
8 officers shall report to the department the finding of any
9 historic property during any project and shall cooperate with
10 the department in the investigation, recording, preservation,
11 and salvage of the property.

12 (d) The department shall adopt rules in accordance with
13 chapter 91 to implement this section."

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

16 "**§6E-42 Review of proposed projects.** (a) Before any
17 agency or officer of the State or its political subdivisions
18 approves any project involving a permit, license, certificate,
19 land use change, subdivision, or other entitlement for use,
20 which may affect historic property, aviation artifacts, or a
21 burial site, the agency or office shall advise the department
22 and prior to any approval allow the department an opportunity



1 for review and comment on the effect of the proposed project on
2 historic properties, aviation artifacts, or burial sites,
3 consistent with section 6E-43, including those listed in the
4 Hawaii register of historic places. If:

- 5 (1) The proposed project consists of corridors or large
6 land areas;
- 7 (2) Access to properties is restricted; or
- 8 (3) Circumstances dictate that construction be done in
9 stages,

10 the department's review and comment may be based on a phased
11 review of the project; provided that there shall be a
12 programmatic agreement between the department and the project
13 applicant that identifies each phase and the estimated timelines
14 for each phase.

15 (b) The department shall inform the public of any project
16 proposals submitted to it under this section [~~which~~] that are
17 not otherwise subject to the requirement of a public hearing or
18 other public notification.

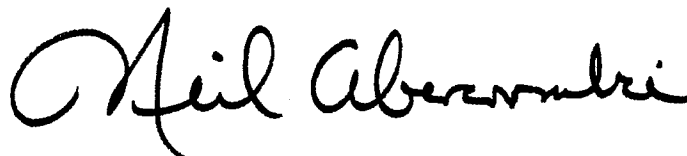
19 (c) The department shall adopt rules in accordance with
20 chapter 91 to implement this section."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

APPROVED this 21 day of MAY, 2013



GOVERNOR OF THE STATE OF HAWAII