
A BILL FOR AN ACT

RELATING TO ARCHAEOLOGISTS.

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

1 SECTION 1. Section 103D-102, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Notwithstanding subsection (a), this chapter shall
4 not apply to contracts made by [any]:

5 (1) Any regional system board of the Hawaii health systems
6 corporation[-]; or

7 (2) The department of land and natural resources with an
8 archaeologist for archaeological services."

9 SECTION 2. Section 171-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§171-6 Powers.** Except as otherwise provided by law, the
12 board of land and natural resources shall have the powers and
13 functions granted to the heads of departments and the board of
14 land and natural resources under chapter 26.

15 In addition to the foregoing, the board may:

16 (1) Adopt a seal;

17 (2) Administer oaths;

18 (3) Prescribe forms of instruments and documents;



- 1 (4) Adopt rules which, upon compliance with chapter 91,
2 shall have the force and effect of law;
- 3 (5) Set, charge, demand, and collect reasonable fees for
4 the preparation of documents to be issued, for the
5 surveying of public lands, and for the issuing of
6 certified copies of its government records, which
7 fees, when collected, shall be deposited into the
8 state general fund, unless otherwise specified in this
9 chapter;
- 10 (6) Establish additional restrictions, requirements, or
11 conditions, not inconsistent with those prescribed in
12 this chapter, relating to the use of particular land
13 being disposed of, the terms of sale, lease, license,
14 or permit, and the qualifications of any person to
15 draw, bid, or negotiate for public land;
- 16 (7) Reduce or waive the lease rental at the beginning of
17 the lease on any lease of public land to be used for
18 any agricultural or pastoral use, or for resort,
19 commercial, industrial, or other business use where
20 the land being leased requires substantial
21 improvements to be placed thereon; provided that such
22 reduction or waiver shall not exceed two years for



- 1 land to be used for any agricultural or pastoral use,
2 or exceed one year for land to be used for resort,
3 commercial, industrial, or other business use;
- 4 (8) Delegate to the chairperson or employees of the
5 department of land and natural resources, subject to
6 the board's control and responsibility, such powers
7 and duties as may be lawful or proper for the
8 performance of the functions vested in the board;
- 9 (9) [~~Utilize~~] Use arbitration under chapter 658A to settle
10 any controversy arising out of any existing or future
11 lease;
- 12 (10) Set, charge, and collect reasonable fees in an amount
13 sufficient to defray the cost of performing or
14 otherwise providing for the inspection of activities
15 permitted upon the issuance of a land license
16 involving a commercial purpose;
- 17 (11) Appoint masters or hearing officers to conduct public
18 hearings as provided by law and under such conditions
19 as the board by rules shall establish;
- 20 (12) Bring such actions as may be necessary to remove or
21 remedy encroachments upon public lands. Any person
22 causing an encroachment upon public land shall be



1 subject to a fine of not more than \$500 a day for the
2 first offense and shall be liable for administrative
3 costs incurred by the department and for payment of
4 damages. Upon the second offense and thereafter, the
5 violator shall:

6 (A) [~~be~~] Be fined not less than \$500 nor more than
7 \$2,000 per day;

8 (B) [~~if~~] If required by the board, restore the land to
9 its original condition if altered and assume the
10 costs thereof; and

11 (C) [~~assume~~] Assume such costs as may result from
12 adverse effects from such restoration;

13 (13) Set, charge, and collect interest and a service charge
14 on delinquent payments due on leases, sales, or other
15 accounts. The rate of interest shall not exceed one
16 per cent a month and the service charge shall not
17 exceed \$50 a month for each delinquent payment;
18 provided that the contract shall state the interest
19 rate and the service charge and be signed by the party
20 to be charged;

21 (14) Set, charge, and collect additional rentals for the
22 unauthorized use of public lands by a lessee,



1 licensee, grantee, or permittee who is in violation of
2 any term or condition of a lease, license, easement,
3 or revocable permit, retroactive to the date of the
4 occurrence of the violation. Such amounts shall be
5 considered delinquent payments and shall be subject to
6 interest and service charges as provided in paragraph
7 (13);

8 (15) Set, charge, and collect reasonable fines for
9 violation of this chapter or any rule adopted
10 thereunder. Any person violating any of the
11 provisions of this chapter or any rule adopted
12 thereunder, for which violation a penalty is not
13 otherwise provided, shall be fined not more than \$500
14 a day and shall be liable for administrative costs
15 incurred by the department and for payment for
16 damages;

17 (16) Issue revenue bonds, subject to the approval of the
18 legislature. All revenue bonds shall be issued
19 pursuant to part III of chapter 39, except as provided
20 in this chapter. All revenue bonds shall be issued in
21 the name of the department and not in the name of the
22 State. The final maturity date of the revenue bonds



1 may be any date not exceeding thirty years from the
2 date of issuance;

3 (17) Pledge or assign all or any part of the receipts and
4 revenues of the department. The revenue bonds shall
5 be payable from and secured solely by the revenue
6 derived by the department from the industrial park or
7 parks for which the bonds are issued;

8 (18) Reimburse the state general fund for debt service on
9 general obligation bonds or reimbursable general
10 obligation bonds issued by the State for purposes of
11 this chapter; [~~and~~]

12 (19) Retain qualified archaeologists for archaeological
13 services under contracts that shall be exempt from
14 chapter 103D; and

15 [~~(19)~~] (20) Do any and all things necessary to carry out its
16 purposes and exercise the powers granted in this
17 chapter."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval
21 and shall be repealed on January 1, 2010; provided that sections
22 103D-102 and 171-6, Hawaii Revised Statutes, shall be reenacted



- 1 in the form in which they read on the day before the effective
- 2 date of this Act.



Report Title:

Archaeologist; Land and Natural Resources

Description:

Authorizes the department of land and natural resources to contract with archaeologists without regard to the procurement code. Exempts contracts between the department of land and natural resources and archaeologists from the procurement code.
(HB2890 HD1)

