

JAN 22 2007

---

---

# A BILL FOR AN ACT

RELATING TO HISTORIC SITES.

**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 "Potential native Hawaiian historic site" means a wall,  
5 platform, stone pavement, enclosure, terrace, petroglyph, heiau,  
6 mound, ahu, auwai, trail, shrine, or any other feature of human  
7 origin that is consistent in design and construction materials  
8 to features built by native Hawaiians before 1850, and for which  
9 there is no credible evidence demonstrating that it was built  
10 after 1850."

11 SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended  
12 by adding a new section to be appropriately designated and to  
13 read as follows:

14 "§6E- Native Hawaiian historic sites. (a) No  
15 landowner, or any person with the consent of the landowner, may  
16 remove, excavate, injure, or destroy a potential native Hawaiian  
17 historic site on private property, unless the landowner has  
18 notified the department of the proposed action and of the future



1 use the landowner proposes for the potential native Hawaiian  
2 historic site. The department shall have not more than sixty  
3 days from receipt of the notice to review and comment upon the  
4 proposed action.

5 (b) After the department's review and comment, the  
6 department may approve the proposed action, if the department  
7 finds that the site in question does not warrant preservation.  
8 If the department approves the proposed action, the landowner  
9 shall apply for any land use approval required if the proposed  
10 use of the property would require a permit, license,  
11 certificate, land use change, subdivision, or other entitlement  
12 for use issued by the State or any of its political  
13 subdivisions, and shall comply with the procedures established  
14 under section 6E-42.

15 (c) If the department does not approve the proposed  
16 action, the landowner shall record a covenant running with the  
17 land, with a copy sent to the department, that the landowner  
18 will not apply for a permit, license, certificate, land use  
19 change, subdivision, or other entitlement for use issued by the  
20 State or any of its political subdivisions affecting the land  
21 containing the potential native Hawaiian historic site, for ten  
22 years from the date of recordation.



1        (d) The department may also commence condemnation  
2 proceedings within sixty days of notification, to purchase the  
3 site or to purchase an easement for the preservation of the  
4 site.

5        (e) If funds for the acquisition of property condemned  
6 under subsection (d) are not available, the governor may, upon  
7 the recommendation of the department, allocate from the  
8 contingency fund an amount sufficient to acquire an option on  
9 the property or for the immediate acquisition of the property.

10       (f) No state or county agency shall issue a land use  
11 permit or other approval in contradiction of a covenant recorded  
12 under subsection (c).

13       (g) Any person who knowingly violates this section shall  
14 be subject to the penalties set forth in section 6E-11(f), and,  
15 in addition, shall be prohibited from applying for a permit,  
16 license, certificate, land use change, subdivision, or other  
17 entitlement for use issued by the State or any of its political  
18 subdivisions affecting the land containing the potential native  
19 Hawaiian historic site, for ten years from the date of  
20 violation. For the purposes of this section, a landowner shall  
21 be deemed to have constructive knowledge of sites listed in the  
22 state inventory of historic places."



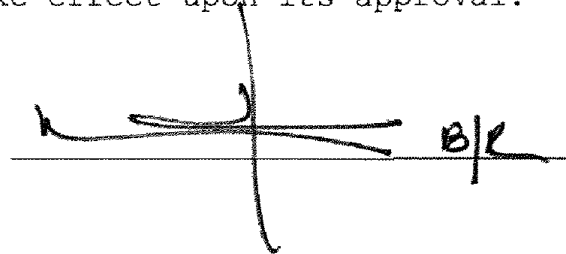
1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 4. New statutory material is underscored.

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

6

INTRODUCED BY:

 B/R



**Report Title:**

Native Hawaiian Historical Sites; Landowner Modification

**Description:**

Requires landowner of a potential native Hawaiian historical site on private property to obtain prior approval of the department of land and natural resources before conducting certain activities on the land; specifies procedures; defines "potential native Hawaiian historic site."

