
A BILL FOR AN ACT

RELATING TO HISTORIC SITES.

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

1 SECTION 1. Chapter 6E, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§6E- Native Hawaiian historic sites. (a) Before any
5 removal, excavation, injury, or destruction by, for, or
6 permitted by a private landowner may commence, which will affect
7 a potential native Hawaiian historic site that is inadvertently
8 discovered or the landowner has actual or constructive knowledge
9 of the existence of the site, the landowner shall notify the
10 department of the proposed action, and of the future use the
11 landowner proposes for the potential native Hawaiian historic
12 site.

13 (b) The department shall have not more than ninety days
14 from receipt of the notice to review and comment upon the
15 proposed action. The department may approve the proposed
16 action, if the department finds that the site in question does
17 not warrant preservation.



1 (c) If the department approves the proposed action, the
2 landowner shall apply for any required land use approval if the
3 proposed use of the property would require a permit, license,
4 certificate, land use change, subdivision, or other entitlement
5 for use issued by the State or any of its political
6 subdivisions, and shall comply with the procedures established
7 under section 6E-42.

8 (d) If the department does not approve the proposed
9 action, the landowner shall record a covenant running with the
10 land, with a copy sent to the department, which will prevent the
11 landowner from applying for a permit, license, certificate, land
12 use change, subdivision, or other entitlement for use issued by
13 the State or any of its political subdivisions affecting the
14 land containing the potential native Hawaiian historic site for
15 ten years from the date of recordation.

16 (e) The department may also commence condemnation
17 proceedings within ninety days of notification to purchase the
18 site or to purchase an easement for the preservation of the
19 site.

20 (f) If funds for the acquisition of property condemned
21 under subsection (e) are not available to the department, the
22 governor, upon the recommendation of the department, may



1 allocate from the governor's contingency fund an amount
2 sufficient to acquire an option on the property or for the
3 immediate acquisition of the property.

4 (g) No state or county agency shall issue a land use
5 permit or other approval in contradiction of a covenant recorded
6 under subsection (d).

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

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

20 "Potential native Hawaiian historic site" means a wall,
21 platform, stone pavement, enclosure, terrace, petroglyph, heiau,
22 mound, ahu, auwai, trail, shrine, or any other feature of human



1 origin that appears to be consistent with the design and
2 materials of features built by native Hawaiians, and appears to
3 be, without any credible evidence to indicate otherwise, over
4 fifty years old."

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

8 SECTION 4. New statutory material is underscored.

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



Report Title:

Native Hawaiian Historical Sites

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." (SD1)

