

JAN 18 2008

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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- Inadvertent discovery of historic property;**
5 **privately owned land.** (a) If historic property, other than a
6 burial site, is inadvertently discovered on privately owned land
7 not on the Hawaii register of historic places, the private
8 landowner shall cease any activity in the immediate area that
9 could damage the potential historic site or property until the
10 requirements of subsection (b) have been met.

11 (b) The landowner shall report the inadvertent discovery
12 to the department as soon as possible. The department, in
13 coordination with the landowner, shall undertake the
14 investigation, recordation, preservation, and salvage of any
15 historical information deemed necessary to preserve and identify
16 the historic property. The department shall suggest options to
17 the landowner for appropriate treatment of the inadvertent



1 discovery, including but not limited to preservation or removal
2 of the historic property or the development of a mitigation
3 plan.

4 (c) The department may enter, solely in performance of its
5 official duties and only at reasonable times, upon private lands
6 for examination or survey thereof. Whenever any member of the
7 department duly authorized to conduct investigations and surveys
8 of a historic or cultural nature determines that entry onto
9 private lands for examination or survey of a historic or
10 cultural finding is necessary, the department shall give written
11 notice of the finding to the owner or occupant of the property
12 at least five days prior to entry."

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

16 "Inadvertent discovery of historic property" means the
17 unanticipated finding of historic property, other than a burial
18 site, resulting from unintentional disturbance, erosion, or
19 other ground disturbing activity."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Bruner Kohl

S. T. ...

Jill

Francine G. Brown

Clarence K. Fishler

Norman Satomi

Carol Fukushima

[Signature]

Mike Gabbard

David Y. Lee

Greg Ham

James Brundage

[Signature]



Report Title:

Historic Property; Inadvertent Discovery; Private Land

Description:

Requires private landowners to report any inadvertent discovery of historic property on private land to the department of land and natural resources for identification and recordation. Requires the department to provide appropriate treatment options for the care and preservation of the historic property.

