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## A BILL FOR AN ACT

RELATING TO HISTORIC PLACES.

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

1           SECTION 1. The legislature finds that archaeological sites  
2 or features such as heiau, agricultural and irrigation lo'i, and  
3 footpaths that are built into the earth by the Hawaiian people  
4 have a cultural significance to the State. Once identified,  
5 surveyed, and listed on the Hawaii or national register of  
6 historic places, these sites or features should be protected by  
7 state law.

8           The purpose of this Act is to protect archaeological sites  
9 or features built by early Hawaiians.

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

13           "§6E-       Destruction of archaeological site or  
14 archaeological feature. Any inadvertent destruction of an  
15 archaeological site or archaeological feature must be examined  
16 by an archaeologist of the historic preservation division and a  
17 person with knowledge of Hawaiian culture, such as an aha moku.  
18 The historic preservation division shall submit a report to the



1 board of land natural resources on the historical significance  
2 and current state of the site. When determining the historical  
3 significance of an archaeological site or archaeological  
4 feature, oral history shall prevail unless scientific evidence  
5 is demonstrated."

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

9 "Archaeological site" or "archaeological feature" means  
10 any structure built into the earth by the early Hawaiians  
11 including heiau, agricultural and irrigation lo'i, and  
12 footpaths."

13 SECTION 4. Section 6E-11, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) It shall be a civil and administrative violation for  
16 any person to take, appropriate, excavate, injure, destroy, or  
17 alter any historic property or aviation artifact located  
18 upon ~~the~~ :

19 (1) The private lands of any owner thereof without the  
20 owner's written permission being first obtained[. It  
21 shall be a civil and administrative violation for any  
22 person to take, appropriate, excavate, injure,



1 ~~destroy, or alter any historic property or aviation~~  
 2 ~~artifact located upon lands]; and~~  
 3 (2) Lands owned or controlled by the State or any of its  
 4 political subdivisions, except as permitted by the  
 5 department, or to knowingly violate the conditions set  
 6 forth in an approved mitigation plan that includes  
 7 monitoring and preservation plans[-];  
 8 provided that it shall be a civil and administrative violation  
 9 for a person, who has actual knowledge of the historic status of  
 10 the archaeological site or archaeological feature, to wilfully  
 11 alter or destroy an archaeological site or archaeological  
 12 feature listed on the Hawaii or national register of historic  
 13 places found on privately owned land or lands owned or  
 14 controlled by the State or any of its political subdivisions."

15 SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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**Report Title:**

Historic Preservation; Register of Historic Places

**Description:**

Defines archaeological site or archaeological feature. Requires the historic preservation division of DLNR to report on the state and historical significance of an archaeological site if inadvertently destroyed. Provides for penalties for wilful alteration or destruction of an archaeological site or archaeological feature on the Hawaii or national register of historic places.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

