
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. The legislature finds that historic property is
2 a unique and irreplaceable public trust resource. The
3 legislature further finds that chapter 171, Hawaii Revised
4 Statutes, fails to provide guidance with respect to public land
5 involving historic property. The State, as trustee of the
6 public trust assets, including those related to historic
7 property, has duties greater than that of a business manager,
8 and must take into consideration that the "beneficiaries of the
9 public trust are not just present generations but those to
10 come." *In re Waiola O Molokai*, 103 Hawaii'i 401, 421-22, 83
11 P.3d 664, 684-85 (2004).

12 The purpose of this Act is to establish guidelines to be
13 met by the State before it conveys, transfers, or exchanges an
14 interest in public land involving historic property.

15 SECTION 2. Section 6E-7, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) The department may [~~dispose of the historic property~~]
18 convey, transfer, or exchange any interest in:



1 (1) Property listed in or eligible for inclusion in the
2 Hawaii register of historic places for which it holds
3 title; or
4 (2) Public land involving property listed in or eligible
5 for inclusion in the Hawaii register of historic
6 places,
7 subject to chapter 171 [~~and subject further to those~~]; provided
8 that the conveyance, transfer, or exchange substantially
9 advances the interests of historic preservation and is protected
10 through reservations, restrictions, covenants, or conditions
11 ~~[which]~~ that relate to the preservation of the historic
12 ~~property[, such as]~~ or the public land involving the historic
13 property being conveyed, transferred, or exchanged, including
14 rights of access, public visitation, operation, maintenance,
15 restoration, and repair. All reservations, restrictions,
16 covenants, or conditions for conveyance, transfer, or exchange
17 of property pursuant to this subsection shall be developed in
18 consultation with the state historic preservation division and
19 reviewed under section 6E-8 and its implementing regulations.
20 The department shall determine the conditions for any research
21 affecting the historic property and may issue permits for the
22 research."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



Report Title:

Historic Property; Public Lands

Description:

Requires that conveyances, transfers, and exchanges of property listed or eligible for inclusion in the Hawaii Register of Historic Places be subject to review and advance the interest of historic preservation. (HB1914 HD1)

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