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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1       SECTION 1. Section 6E-11, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3       "(f) Any person who violates this section shall be fined  
4 not more than [~~\$10,000~~] \$20,000 for each separate violation. If  
5 the violator directly or indirectly has caused the loss of, or  
6 damage to, any historic property or burial site, the violator  
7 shall be fined an additional amount determined by the  
8 environmental court or an administrative adjudicative authority  
9 to be equivalent to the value of the lost or damaged historic  
10 property or burial site. Each day of continued violation of  
11 this provision shall constitute a distinct and separate  
12 violation for which the violator may be punished. Any landowner  
13 or developer responsible for any project where violations are  
14 found to have occurred shall execute any mitigation and  
15 preservation measures ordered by the department and shall be  
16 jointly and severally liable for any costs of mitigation and  
17 preservation. Equipment used by a violator for the taking,  
18 appropriation, excavation, injury, destruction, or alteration of



1 any historic property or burial site, or for the transportation  
2 of the violator to or from the historic property or burial site,  
3 shall be subject to seizure and disposition by the State without  
4 compensation to its owner or owners."

5 SECTION 2. Section 6E-11.5, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§6E-11.5 Civil penalties.** Except as provided in section  
8 6E-11, any person who violates this chapter, or any rule adopted  
9 pursuant to this chapter shall be fined not less than \$500 nor  
10 more than [~~\$10,000~~] \$20,000 for each separate violation. Each  
11 day of each violation constitutes a separate violation."

12 SECTION 3. Section 6E-12, Hawaii Revised Statutes, is  
13 amended by amending subsection (d) to read as follows:

14 "(d) Any person violating this section shall be fined [~~no~~]  
15 not more than [~~\$10,000.~~] \$25,000. Each historic object or part  
16 of a prehistoric or historic human skeleton or associated burial  
17 good offered for sale or trade or removed from the jurisdiction  
18 in violation of this section shall constitute a distinct and  
19 separate offense for which the offender may be punished."



1       SECTION 4. 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 5. Statutory material to be repealed is bracketed  
5   and stricken. New statutory material is underscored.

6       SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Historic Preservation Program; Duties; Penalties

**Description:**

Increases civil and administrative fines for certain violations of historic and preservation requirements and makes violators liable for costs associated with mitigation or preservation measures. (CD1)

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

