



# GOV. MSG. NO. 1230

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 28, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 28, 2024, the following bill was signed into law:

SB3154 SD1 HD1 CD1

RELATING TO REGULATION OF  
ARCHAEOLOGICAL ACTIVITIES.  
**ACT 129**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUN 28 2024

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

**S.B. NO.** 3154  
S.D. 1  
H.D. 1  
C.D. 1

# A BILL FOR AN ACT

RELATING TO REGULATION OF ARCHAEOLOGICAL ACTIVITIES.

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

1           SECTION 1. Section 6E-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§6E-11 Civil and administrative violations.** (a) It  
4 shall be a civil and administrative violation for any person to  
5 take, appropriate, excavate, injure, destroy, or alter any  
6 historic property or aviation artifact located upon the private  
7 lands of any owner thereof without the owner's written  
8 permission being first obtained. It shall be a civil and  
9 administrative violation for any person to take, appropriate,  
10 excavate, injure, destroy, or alter any historic property or  
11 aviation artifact located upon lands owned or controlled by the  
12 State or any of its political subdivisions, except as permitted  
13 by the department, or to knowingly violate the conditions set  
14 forth in an approved mitigation plan that includes monitoring  
15 and preservation plans.

16           (b) It shall be a civil and administrative violation for  
17 any person to knowingly take, appropriate, excavate, injure,  
18 destroy, or alter any burial site, or the contents thereof,



1 located on private lands or lands owned or controlled by the  
2 State or any of its political subdivisions, except as permitted  
3 by the department, to knowingly fail to re-inter human remains  
4 discovered on the lands in a reasonable period of time as  
5 determined by the department, or to knowingly violate the  
6 conditions set forth in an approved mitigation plan that  
7 includes monitoring and preservation plans.

8 (c) It shall be a civil and administrative violation for  
9 any person to take, appropriate, excavate, injure, destroy, or  
10 alter any historic property or burial site during the course of  
11 land development or land alteration activities to which section  
12 6E-42 applies, without obtaining the required approval.

13 (d) It shall be a civil and administrative violation for  
14 any person who inadvertently discovers a burial site to fail to  
15 stop work in the immediate area and report the discovery, as  
16 required by section 6E-43.6.

17 (e) It shall be a civil and administrative violation for  
18 any person to:

19 (1) Fail to comply with agreed upon archaeological  
20 mitigation commitments;



1        (2) Fail to conduct an archaeological inventory survey as  
2        specified in an archaeological inventory survey plan  
3        or archaeological monitoring plan approved by the  
4        department;

5        (3) Alter an approved archaeological inventory survey plan  
6        or archaeological monitoring plan without prior  
7        written approval of the department;

8        (4) Carry out project development activities within a  
9        preservation area or burial preserve approved by the  
10       department without prior written approval of the  
11       department, including project equipment transiting  
12       through, within, or across a preservation area or  
13       burial preserve; or

14       (5) Fail to complete and submit required reports.

15       [~~e~~] (f) It shall be a civil and administrative violation  
16 for any person to knowingly glue together any human skeletal  
17 remains, label any human skeletal remains with any type of  
18 marking pen, or conduct any tests that destroy human skeletal  
19 remains, as defined in section 6E-2, except as permitted by the  
20 department.



1           ~~(f)~~ (g) Any person who violates this section shall be  
2 fined not more than \$20,000 for each separate violation. If the  
3 violator directly or indirectly has caused the loss of, or  
4 damage to, any historic property or burial site, the violator  
5 shall be fined an additional amount determined by the  
6 environmental court or an administrative adjudicative authority  
7 to be equivalent to the value of the lost or damaged historic  
8 property or burial site. Each day of continued violation of  
9 this provision shall constitute a distinct and separate  
10 violation for which the violator may be punished. Any landowner  
11 or developer responsible for any project where violations are  
12 found to have occurred shall execute any mitigation and  
13 preservation measures ordered by the department and shall be  
14 jointly and severally liable for any costs of mitigation and  
15 preservation. Equipment used by a violator for the taking,  
16 appropriation, excavation, injury, destruction, or alteration of  
17 any historic property or burial site, or for the transportation  
18 of the violator to or from the historic property or burial site,  
19 shall be subject to seizure and disposition by the State without  
20 compensation to its owner or owners.



1           ~~[(g)]~~ (h) Any person who knowingly violates this chapter  
2 with respect to burial sites shall also be prohibited from  
3 participating in the construction of any state or county funded  
4 project for ten years.

5           ~~[(h)]~~ (i) Nothing in this section shall apply to land  
6 altering activities relating to family burial plots under  
7 section 441-5.5.

8           ~~[(i)]~~ (j) The civil and administrative penalties imposed  
9 pursuant to this chapter shall be in addition to the criminal  
10 penalties provided by this chapter and any other penalties that  
11 may be imposed pursuant to law."

12           SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15           SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.


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



S.B. NO.

3154  
S.D. 1  
H.D. 1  
C.D. 1

APPROVED this **28th** day of **June**, 2024

A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with the first name "Josh" being more prominent than the last name "Green".

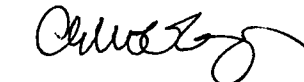
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate



SB No. 3154, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives