

ACT 216

H. B. NO. 185

A Bill for an Act Relating to the Preservation and Protection of Prehistoric and Historic Sites and Archeological Remains.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 9 of the Revised Laws of Hawaii 1955 is amended by adding a new section to read as follows:

“Sec. 9- . Archeological investigation, recording and salvage; appropriations. Whenever any public construction or improvement of any nature whatsoever is undertaken by any government agency on lands which are controlled or owned by the State or by any county and which are sites of historic or prehistoric interest and value, or locations of prehistoric or historic remains, one per cent of the appropriations for such public construction or improvement, or so much thereof as may be necessary, shall be expended by the department of land and natural resources for the archeological investigation, recording and salvage of such sites or remains when it is deemed necessary by the

ACT 216

department.”

SECTION 2. Section 14-8 of the Revised Laws of Hawaii 1955 is amended to read as follows:

“**Sec. 14-8. Prehistoric and historic sites and remains.** (a) The department of land and natural resources shall locate, identify, and preserve in suitable records information regarding prehistoric and historic sites, locations, and remains. The information shall be submitted to the director of taxation who shall clearly designate on all tax maps of the State, the location of all prehistoric or historic sites, or locations and remains. The department shall cooperate with other state agencies and owners of private prehistoric or historic sites.

(b) Before any public construction or improvement of any nature whatsoever is undertaken by the State, the city and county of Honolulu, or any of the counties, or any governmental agency or officer, the head of such agency or such officer shall first examine the current tax map of the area to be affected by such public construction or improvement to determine whether any heiaus, ancient burial places, or sites, or remains of prehistorical or historical interest are designated on such map. If so designated, the proposed public construction or improvement shall not be commenced, or, in the event it has already begun, continued, until the head of such agency or such other officer shall have advised the department of the proposed public construction or improvement and shall have secured the concurrence of the department or, as hereafter provided, shall have secured the written approval of the governor.

If the concurrence of the department is not obtained after ninety days after the filing of a request therefor with the department by, or after the filing of a notice of objections by the department with, the agency or officer seeking to proceed with any project, such agency or officer may apply to the governor for permission to proceed notwithstanding the nonconcurrence of the department and the governor may take such action as he deems best in overruling or sustaining the department.

(c) Before any construction, alteration, or improvement of any nature whatsoever is undertaken or commenced on a designated private prehistoric or historic site by any person, he shall give to the department three months notice of intention to construct, alter, or improve the site.

After the expiration of the three-month notification period, the department shall either commence condemnation proceedings for the purchase of the site or remains, permit the owner to proceed with his construction, alteration or improvement, or undertake or permit the recording and salvaging of any historical information deemed necessary to preserve Hawaiian history, by any qualified agency for this purpose.

Any person who violates the provisions of the first paragraph of this subsection shall be fined not more than \$1,000 or imprisoned not more than ninety days, or both.”

SECTION 3. Chapter 14 of the Revised Laws of Hawaii is amended by adding a new section to read as follows:

“Sec. 14-8.5. Excavation and removal of prehistoric and historic remains on private lands. Before any prehistoric or historic remains are excavated or removed from private lands by the department of land and natural resources, the department or its designated investigators shall first secure the written approval of the owner of such lands. Whenever the value of the private prehistoric or historic site is diminished by the excavation or removal of prehistoric or historic remains by the department of land and natural resources, the owner of the site shall be compensated for the loss, at a monetary sum mutually agreed upon by the department and the owner or at a monetary sum set by the court.”

SECTION 4. Section 14-10.2 of the Revised Laws of Hawaii 1955 is amended to read as follows:

“Sec. 14-10.2. Permits to examine ruins, excavate and gather objects on public lands. Permits for the examination of ruins, excavation of archeological sites, and the gathering of objects of antiquity upon lands owned or controlled by the state or any county, may be granted by the department of land and natural resources to persons or institutions which they deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as the department may prescribe; provided, that the examinations, excavations, and gatherings are undertaken for the benefit of public museums, universities, colleges, or other recognized public scientific or educational institutions, with a view to increasing the knowledge of such objects and that the gatherings may be made for permanent preservation in public museums if so deemed by the department.”

SECTION 5. Section 14-10.3 of the Revised Laws of Hawaii 1955 is amended to read as follows:

“Sec. 14-10.3. Penalties. It shall be unlawful for any person to take, appropriate, excavate, injure or destroy any prehistoric or historic ruin or monument or object of antiquity, situated on lands owned or controlled by the State without the permission of the department of land and natural resources. Any person who violates this section shall be fined not more than \$1,000 or imprisoned not more than ninety days, or both.

Any prehistorical and historical objects and remains which have been taken without a permit shall be seized, deposited and preserved in public museums by the department of land and natural resources.”

SECTION 6. Chapter 14 of the Revised Laws of Hawaii 1955 is amended by adding a new section to read as follows:

“Sec. 14- . Reproduction of prehistorical or historical objects; representation as originals; penalties. It shall be unlawful to reproduce or forge a prehistorical or historical object with the intent to represent it as an original. Any person who violates this section shall be fined not more than \$1,000 or imprisoned not more than ninety days, or both.”

SECTION 7. Chapter 99 of the Revised Laws of Hawaii is amended by adding a new section to read as follows:

ACT 216

“Sec. 99- . Reservation of rights to prehistoric and historic remains on leased public lands. The board of land and natural resources shall, in leases of public lands retain the rights to all prehistoric and historic remains found on such lands.”

SECTION 8. The Revisor of Statutes may reword and renumber the references in this Act and make such other formal or verbal changes as may be necessary to conform with the Hawaii Revised Statutes.

SECTION 9. This Act shall take effect upon its approval.

(Approved July 14, 1969.)