

ACT 119

S.B. NO. 2591

A Bill for an Act Relating to Burial Sites.

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

SECTION 1. The purpose of this Act is to impose a fine of \$1,000 on any private landowner who fails to disclose and record the existence of burial or archaeological sites on their property that the landowner knew or should have known of.

SECTION 2. Chapter 508D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§508D- Failure to disclose or record a burial or archaeological site; penalty. There shall be imposed by a court of competent jurisdiction a fine of \$1,000 on any private landowner who fails to disclose and record with the bureau of conveyances, or in documents used to offer real property for sale, burial or archaeological sites located on the landowner’s property that the landowner knew of or should have known of. All fines collected under this section shall be deposited into the Hawaii historic preservation special fund established under section 6E-16.”

SECTION 3. Section 6E-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There [is] shall be established a Hawaii historic preservation special fund into which shall be deposited the following moneys:

- (1) Appropriations by the legislature to the special fund;
- (2) Gifts, donations, and grants from public agencies and private persons;
- (3) All proceeds collected by the department derived from historic preserve user fees, historic preserve leases or concession fees, fees charged to carry out the purposes of this chapter, or the sale of goods; ~~and~~
- (4) Civil, criminal, and administrative penalties, fines, and other charges collected under this chapter or any rule adopted pursuant to this chapter~~[-]; and~~
- (5) Fines collected under section 508D- .

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All interest earned or accrued on moneys deposited in the fund shall become part of the fund. The fund shall be administered by the department; provided that the department may contract with a public or private agency to provide the day-to-day management of the fund.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 5. This Act shall take effect upon its approval.

(Approved June 28, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.