
A BILL FOR AN ACT

RELATING TO HISTORIC SITES.

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

1 SECTION 1. Chapter 6E, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "S6E- Native Hawaiian historic sites. (a) Before any
5 removal, excavation, injury, or destruction by, for, or
6 permitted by a private landowner may commence that will affect a
7 potential native Hawaiian historic site that is inadvertently
8 discovered or the landowner has actual or constructive knowledge
9 of the existence of the site, the landowner shall notify the
10 department of the proposed action, and of the future use the
11 landowner proposes for the potential native Hawaiian historic
12 site.

13 (b) The department shall have not more than ninety days
14 from receipt of the notice to review and comment upon the
15 proposed action. The department may approve the proposed
16 action, if the department finds that the site in question does
17 not warrant preservation.



1 (c) If the department approves the proposed action, the
2 landowner shall apply for any required land use approval if the
3 proposed use of the property would require a permit, license,
4 certificate, land use change, subdivision, or other entitlement
5 for use issued by the State or any of its political
6 subdivisions, and shall comply with the procedures established
7 under section 6E-42.

8 (d) If the department does not approve the proposed
9 action, the landowner shall record a covenant running with the
10 land, with a copy sent to the department that will prevent the
11 landowner from applying for a permit, license, certificate, land
12 use change, subdivision, or other entitlement for use issued by
13 the State or any of its political subdivisions affecting the
14 land containing the potential native Hawaiian historic site for
15 ten years from the date of recordation. An aggrieved landowner
16 may appeal the denial and shall be afforded a contested case
17 hearing under chapter 91.

18 (e) The department may also commence condemnation
19 proceedings within ninety days of notification to purchase the
20 site or to purchase an easement for the preservation of the
21 site.



1 (f) If funds for the acquisition of property condemned
2 under subsection (e) are not available to the department, the
3 governor, upon the recommendation of the department, may
4 allocate from the governor's contingency fund an amount
5 sufficient to acquire an option on the property or for the
6 immediate acquisition of the property.

7 (g) No state or county agency shall issue a land use
8 permit or other approval in contradiction of a covenant recorded
9 under subsection (d).

10 (h) The department shall promptly notify the county where
11 the land is situated of any action taken by the department under
12 this section.

13 (i) Any person who knowingly violates this section shall
14 be subject to the penalties set forth in section 6E-11(f), and
15 shall be prohibited from applying for a permit, license,
16 certificate, land use change, subdivision, or other entitlement
17 for use issued by the State or any of its political subdivisions
18 affecting the land containing the potential native Hawaiian
19 historic site for ten years from the date of violation. For the
20 purposes of this section, a landowner shall be deemed to have
21 constructive knowledge of sites listed in the Hawaii register of
22 historic places."



1 SECTION 2. Section 6E-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 ""Potential native Hawaiian historic site" means a wall,
5 platform, stone pavement, enclosure, terrace, petroglyph, heiau,
6 mound, ahu, auwai, trail, shrine, or any other feature of human
7 origin that appears to be consistent with the design and
8 materials of features built by native Hawaiians, and appears to
9 be, without any credible evidence to indicate otherwise, over
10 fifty years old."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Native Hawaiian Historical Sites

Description:

Requires landowner of a potential native Hawaiian historical site on private property to obtain prior approval of the department of land and natural resources before conducting certain activities on the land; specifies procedures; defines "potential native Hawaiian historic site." (SD2)

