

JAN 17 2014

A BILL FOR AN ACT

RELATING TO CIVIL PENALTIES FOR HISTORIC PROPERTIES.

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

1 SECTION 1. The legislature finds that historic property is
2 a unique and irreplaceable public trust resource. The State as
3 the trustee of the public trust assets, including all historic
4 properties that sit on lands owned by the State, has a duty to
5 ensure that the beneficiaries of the public trust are served in
6 the present and future generations.

7 The purpose of this Act is to:

- 8 (1) Require the department of land and natural resources
9 to ensure that any disposition of historic property
10 will substantially advance the historic preservation
11 interests of the historic property; and
- 12 (2) Establish civil penalties for any person in receipt of
13 the disposed historic property who fails to advance
14 the preservation interests of the historic property or
15 comply with the reservations, restrictions, covenants,
16 or conditions relating to the preservation of the
17 historic property.



1 SECTION 2. Section 6E-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§6E-7 State title to historic property.** (a) All
4 historic property located on lands or under waters owned or
5 controlled by the State shall be the property of the State. The
6 control and management of the historic property shall be vested
7 in the department.

8 (b) ~~[The]~~ Pursuant to chapter 171, the department may
9 dispose of ~~[the]~~ any historic property ~~[subject to chapter 171~~
10 ~~and subject further to those]~~ or any interest in a historic
11 property located on lands or under waters owned or controlled by
12 the State; provided that:

13 (1) The disposition shall substantially advance the
14 preservation interests of the historic property; and

15 (2) The historic property shall continue to be subject to
16 any reservations, restrictions, covenants, or
17 conditions ~~[which]~~ that relate to the preservation of
18 the historic property, such as rights of access,
19 public visitation, operation, maintenance,
20 restoration, and repair.



1 The department shall determine the conditions for any research
2 affecting the historic property and may issue permits for the
3 research.

4 (c) Any person in receipt of disposed historic property
5 pursuant to subsection (b) who fails to advance the preservation
6 interests of the historic property or comply with the
7 reservations, restrictions, covenants, or conditions relating to
8 the preservation of the historic property shall be fined not
9 less than \$500 but no more than \$10,000 for each separate
10 violation. Each day of each violation shall be a separate
11 violation.

12 [~~e~~] (d) The State shall hold known burial sites located
13 on lands or under waters owned or controlled by the State in
14 trust for preservation or proper disposition by the lineal or
15 cultural descendants.

16 [~~d~~] (e) The State shall not transfer any historic
17 property or aviation artifact under its jurisdiction without the
18 concurrence of the department, and shall not transfer any burial
19 site under its jurisdiction without consulting the appropriate
20 island burial council."



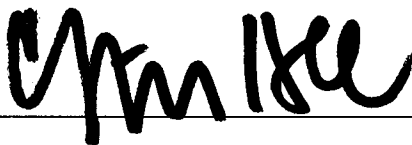
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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

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

7

INTRODUCED BY: 



S.B. NO. 2370

Report Title:

Public Land; Historic Property; Disposition; Civil Penalties

Description:

Requires the department of land and natural resources to ensure that any disposition of historic property will substantially advance the historic preservation interests of the historic property. Establishes civil penalties for any person in receipt of the disposed historic property who fails to advance the preservation interests of the historic property or comply with the reservations, restrictions, covenants, or conditions relating to the preservation of the historic property.

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