SECOND LEGISLATURE

BILL NO. 2-111,D1

STATE OF YAP

YAP STATE LAW NO. 2-56

THIRD REGULAR SESSION, 1989

AN ACT

To amend Title 5 of the Yap State Code by replacing Sections 401 through 411 with a new Chapter 4 on historic preservation, and for other purposes.

Be it enacted by the Legislature of the State of Yap. Section 1. Purpose. The purpose of this Act is to provide for the 1 necessary modifications and adjustments of the State Historic 2 Preservation Act so as to be consistent with the Executive Branch 3 Reorganization Act. Section 2. Repeal and supersede. Section 401 through 411 of Title 5 of the Yap State Code are hereby repealed in their entirety and 6 superseded by the following: "CHAPTER 4. HISTORIC PRESERVATION \$401. Short title. This chapter shall be known and 9 may be cited as the "State Historic Preservation Act of 1989". 10 \$402. Findings. The Legislature finds that: 11 12 (a) The people of the State have an ancient and 13 distinguished history which have played an important role in the history of Micronesia. 14 (b) Sites, structures, buildings, objects and areas of 15 historic and cultural significance within the State have been damaged 16 17 and destroyed, and objects removed from the State. (c) Traditions, arts, crafts, stories, and songs of 18 19 historic and cultural significance are in danger of being lost as elders pass away and their knowledge with them. 20 21 (d) The spirit and direction of the State are founded the state of the state of the Contract of the state of th

23 §403. Declaration of policy. The State Government is

24 empowered by the Constitution of the Federated States of Micronesia and

the Constitution of the State of Yaputo protect, conserve, and develop

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objects and places of historic and cultural interest within the State.  It is the policy of the State to exercise that power to preserve the sites, structures, buildings, objects, areas, traditions, arts, crafts, stories, and songs of historic and cultural significance for the benefit of present and future generations.  5 404. Definitions. As used in this chapter, unless the context otherwise requires, the term:  (a) "Director" means the Director of Youth and Civic Affairs.  (b) "Division" means the Division of Civic Affairs within the Department of Youth and Civic Affairs.  (c) "Historic property" means any site, structure, building, object or area of significance in the history, archaeology or culture of the people of the State of Yap.  (d) "Traditional culture" means any tradition, art, craft, song, story or technology indigenous to the people of the State of Yap.  (a) The State Government, including its agencies and political subdivisions shall implement a program to identify, protect, preserve, and develop historic properties and traditional culture. The Program's shall be known and referred to as the "Yap Historic Preservation Program's State Subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the political subdivisions prior to Defitting assisting or engaging in the prior to property and the program and traditional culture.		옷을 뭐 그렇는 살이지만 모이지 않아요요요요? 그렇다 마음 아마를 하시셨다니까 하나에게 하나 이번 때 지원이다고있다. 원리이터 교통하시다 하나 회사
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any activity which may have an impact on historic properties shall
notify the Division of Civic Affairs.
(c) The Division shall take all steps reasonable and
necessary to determine the nature and magnitude of the impact such
activities are likely to have on historic property or traditional
culture. Should the Division determine that significant effects are
likely, it shall initiate consultation with any concerned agency,
political subdivisions, or person to clearly identify the historic
properties or traditional culture subject to impact.
(d) The Division shall maximize beneficial effects and
eliminate or mitigate any harmful effects to historic properties or
traditional culture.
(e) Any agency, political subdivision or person, upon
receipt of notification that consultation is necessary in the opinion of
the Division, shall enter into such consultation. Any activity which is
the subject of consultation shall cease if there is a threat of immedia;
and irreparable harm to an historic property or traditional culture.
(f) If an irresolvable conflict arises between the
preservation of historic properties or traditional culture and the
activity which is the subject of consultation, all parties to the
consultation shall submit reports of their findings and recommendations
to the Director of the Department of Youth and Civic Affairs and the
Governor.
(g) The Director and Governor shall review the conflict
and enter a decision to resolve the conflict. The decision shall be

1	binding upon all parties to the activity which is the subject
2	consultation.
3	(h) Prior to entering a decision, the Director and
4	Governor shall consider the value of the activity to the economic and
5	social development of the State and the value of the concerned historic
6	property or traditional culture.
7	\$406. Powers and duties of the Division. With the
8	approval of the Director of Youth and Civic Affairs, the Division shall
9	have these powers and duties:
10	(a) Participate in programs and activities of the
11	Institute of Micronesian History and Culture;
12	(b) Conduct and support archaeological surveys for
13	identification of historic properties;
14	(c) Acquire and preserve documents and oral statements
15	on the history and traditional culture of the State;
16	(d) Promote, conduct, and support the restoration,
17	stabilization and maintenance of historic properties;
18	(e) Conduct studies, surveys, and investigations on
19	public or private activities that may have impact on historic properties
20	or traditional culture;
21	(f) Promote the establishment of a State Museum and
22	operate or support the operation of the Museum;
23	(g) Promote the establishment of a State Historic Park
24	System and administer or support the administration of the system;
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1	historic preservation;
20	(i) Coordinate public and private activities to preserve
3	historic properties and traditional culture;
4	(j) Promulgate rules and regulations, subject to the
5	approval of the Governor, necessary for the effective implementation of
6	this chapter;
7	(k) Receive and administer grants and funds; and
8	(1) Enter into contracts, to exercise powers and perform
9	duties enumerated in this section, and engage in such other activities
10	consistent with the purposes of this chapter.
11	\$407. Councils of traditional leaders.
12	(a) The Council of Pilung and Council of Tamol shall
13	advise the Division on matters and activities that concern historic
14	properties and traditional culture.
15	(b) The Division shall deliver reports on the activities
16	of the Division that concern historic properties and traditional culture
17	to the Council of Pilung and the Council of Tamol upon the request of
18	the Council.
19	\$408. Harming or removing historic property
20	prohibited. No person shall wilfully remove, or cause to be removed,
21	historic property from the State or the public domain, or wilfully
22	[발표] 전문 [1] [1] 전문 전환 시험 본 경기 (1) [1] [1] 전문
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1	deface, disfigure, disturb, damage or destroy such property.
2	\$409. Penalties. A person who violates any provision
3	of this chapter, or rules and regulations promulgated pursuant to this
4	chapter, shall upon conviction be punished as follows:
5	(a) If the value of the historic property involved is
6	less than \$1,000, by imprisonment of not more than one year, or fined
7	not more than \$1,000, or both; or
8	(b) If the value of the historic property involved is
9	\$1,000 or more, by imprisonment for not more than five years, or fined
10	not more than the value of the property, or both.
11	(c) The value of the property involved shall be deemed
12	to be the highest value, by reasonable standard, of the property.
13	\$410. Severability. If any provision of this chapter,
14	or amendments thereto, or application thereof to any person,
15	thing or circumstances is held invalid, the invalidity does not affect
16	the provisions or application of this chapter, or amendments, that can
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1	be given effect without the invalid provision or application, and to
• 2	this end the provisions of this chapter, and the amendments thereto, are
3	severable."
4	Section 3. Effective date. This Act shall take effect upon its
5	approval by the Governor, or upon its becoming law without such approval.
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15	Certified by Callany Date: My /2, /70/
16	Chief Clerk
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18	Approved by: Petrus Tun
18	Governor
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20	Date: 24 May 1989
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