

STAND. COM. REP. NO. 1565

Honolulu, Hawaii

APR 02 2025

RE: S.C.R. No. 161
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.C.R. No. 161 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF
HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO EXAMINE AND
CONSIDER THE TRANSFER OF NATIVE HAWAIIAN BURIAL SITE
MANAGEMENT UNDER CHAPTER 6E, HAWAII REVISED STATUTES, FROM
THE STATE HISTORIC PRESERVATION DIVISION TO THE OFFICE OF
HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Office of Hawaiian Affairs to convene a working group to examine
and consider the transfer of Native Hawaiian burial site
management under chapter 6E, Hawaii Revised Statutes, from the
State Historic Preservation Division to the Office of Hawaiian
Affairs.

Your Committee received testimony in support of this measure
from the Office of Hawaiian Affairs; Hui Iwi Kuamo'o; Ko'olaupia
Hawaiian Civic Club; Nohopapa Hawai'i, LLC; Kahua O Humu'ula
Kala'i'eha LLC; and twenty-two individuals.

Your Committee received testimony in opposition to this
measure from two individuals.



Your Committee received comments on this measure from one individual.

Your Committee finds that it is the duty of the State under the Hawaii State Constitution to protect the Native Hawaiian cultural and religious practice of caring for iwi kupuna. This duty is further enshrined in chapter 6E, Hawaii Revised Statutes, which declares the public policy of the State is to preserve and steward burial sites as a matter of a sacred trust to the public. However, decades of community testimony and experience have shown that the institutional structures in place to carry out these duties are not functioning as they were intended. Your Committee further finds that a working group provides a needed opportunity to explore whether shifting the Native Hawaiian burial sites program from the State Historic Preservation Division to a Native Hawaiian-led agency could better reflect the cultural values, legal principles, and community expectations that the law was designed to uphold. Accordingly, this measure requests the Office of Hawaiian Affairs to convene a working group to carefully examine which Native Hawaiian burial site management duties and responsibilities may be appropriately assumed by the Office, while taking into account its capacity, legal requirements, staffing and funding needs, and best interests of iwi kupuna and descendant communities.

Your Committee has amended this measure by:

- (1) Adding language requesting the working group to also include up to five members of the community with expertise and experience in protecting Native Hawaiian burial sites, including but not limited to recognized lineal and cultural descendants, who self-identify and submit their names for selection by a majority vote of the working group; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 161, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 161, S.D. 1.



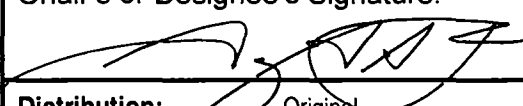
Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,


HERBERT M. RICHARDS, III, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

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|---|---|---|-----|---------|
| Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SCR 161</div> | Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HWN</div> | Date: <div style="font-size: 1.2em; font-family: cursive;">April 1, 2025</div> | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div> | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| RICHARDS, III, Herbert M. "Tim" (C) | / | | | |
| SAN BUENAVENTURA, Joy A. (VC) | / | | | |
| IHARA, Jr., Les | / | | | |
| KEOHOKAOLE, Jarrett | / | | | |
| DECORTE, Samantha | / | | | |
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| TOTAL | 5 | | | |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | |
| Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div> | | | | |
| <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: left;"> Distribution: <div style="font-size: 0.8em;"> Original File with Committee Report </div> </div> <div style="text-align: center;"> <div style="font-size: 0.8em;">Yellow</div> <div style="font-size: 0.8em;">Clerk's Office</div> </div> <div style="text-align: center;"> <div style="font-size: 0.8em;">Pink</div> <div style="font-size: 0.8em;">Drafting Agency</div> </div> <div style="text-align: center;"> <div style="font-size: 0.8em;">Goldenrod</div> <div style="font-size: 0.8em;">Committee File Copy</div> </div> </div> | | | | |

*Only one measure per Record of Votes