

JAN 19 2024

---

---

# A BILL FOR AN ACT

RELATING TO BURIAL SITES.

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

1           SECTION 1. The legislature finds that greater clarity and  
2 efficacy in the implementation of laws regarding historic  
3 preservation, including burial sites, is needed.

4           Therefore, the purpose of this Act is to clarify statutory  
5 language to provide equal protection for Hawaiian burial sites  
6 and non-Hawaiian burial sites.

7           SECTION 2. Section 6E-10.5, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9           "(b) If the board determines that any person is continuing  
10 to violate this chapter or any rule adopted pursuant to this  
11 chapter after having been served notice of violation, the board  
12 shall serve written notice by certified mail or personal service  
13 upon the alleged violator or violators specifying the alleged  
14 violation. With the notice, the board:

15           (1) Shall order the alleged violator or violators to  
16                 submit a written schedule within thirty days  
17                 specifying the measures to be taken and the time



1           within which the measures shall be taken to bring that  
2           person into compliance with this chapter or any rule  
3           adopted thereunder. The board shall accept or modify  
4           the submitted schedule within sixty days of receipt of  
5           the schedule. Any schedule not acted upon after sixty  
6           days of receipt by the board shall be deemed accepted  
7           by the board;

8           (2) Shall order the alleged violator or violators to cease  
9           and desist from the activities that violate this  
10          chapter or any rule adopted thereunder, if that person  
11          does not submit a written schedule to the board within  
12          thirty days. This order shall remain in effect until  
13          the board accepts the written schedule;

14          (3) [~~May~~] Shall impose penalties as provided in section  
15          6E-11.6; and

16          (4) [~~May~~] Shall order the alleged violator or violators to  
17          appear before the board for a hearing to answer the  
18          charges issued, at a time and place specified in the  
19          notice or otherwise set by the board."

20          SECTION 3. Section 6E-11.6, Hawaii Revised Statutes, is  
21          amended by amending subsection (a) to read as follows:



1           "(a) In addition to any other administrative or judicial  
2 remedy provided by this chapter, or by rules adopted pursuant to  
3 this chapter, the board [~~may~~] shall impose by order the  
4 penalties specified in section 6E-11.5."

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

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

8

INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2438

**Report Title:**

Department of Land and Natural Resources; State Historic  
Preservation Division; Burial Sites

**Description:**

Requires, rather than allows, any person who violates chapter  
6E, Hawaii Revised Statutes, to appear before the Board of Land  
and Natural Resources. Requires, rather than allows, the Board  
of Land and Natural Resources to impose fines.

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

