

STAND. COM. REP. NO. 1566

Honolulu, Hawaii

APR 02 2025

RE: S.R. No. 130
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.R. No. 130 entitled:

"SENATE 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'olauloa
Hawaiian Civic Club, and twenty-one 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.R. No. 130, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 130, S.D. 1.



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


HERBERT M. RICHARDS, III, Chair



