
HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING
JURISDICTION OVER THE COORDINATION OF THE EVALUATION AND
MANAGEMENT OF BURIAL SITES OF NATIVE HAWAIIAN ORIGIN FROM
THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE OFFICE
OF HAWAIIAN AFFAIRS.

1 WHEREAS, the protection and preservation of prehistoric and
2 historic native Hawaiian burial sites, helps to ensure that
3 native Hawaiian ancestors are afforded dignity and respect; and
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5 WHEREAS, in Hawaiian culture, ancestral bones, or iwi,
6 possess the person's mana, or spiritual essence; after death,
7 only the iwi were considered sacred because they contained the
8 person's mana; and
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10 WHEREAS, native Hawaiians interred the remains of the
11 deceased at night to prevent enemies from locating them, and
12 attempting to steal, degrade, or otherwise use the spiritual
13 power contained in the remains; and
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15 WHEREAS, for Hawaiians today, the proper treatment of
16 ancestral bones remains essential to avoid insulting the
17 person's spirit or bringing trauma and harm to living
18 descendants; and
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20 WHEREAS, the State Historic Preservation Division (SHPD) of
21 the Department of Land and Natural Resources (DLNR) is currently
22 responsible for the coordination of the evaluation and
23 management of burial sites under Chapter 6E, Hawaii Revised
24 Statutes; and
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26 WHEREAS, the vast responsibilities of SHPD's Burial Sites
27 Program include the care, management, and protection of the
28 estimated hundreds of thousands of unmarked ancestral native
29 Hawaiian burial sites situated throughout the state; and



1 WHEREAS, issues before SHPD's Burial Sites Program can be
2 contentious, highly emotive, and often involve complex aspects
3 of landowner, familial, and cultural rights; and
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5 WHEREAS, there have been concerns about the management and
6 operations of SHPD, including frustrations concerning the Burial
7 Sites Program; and
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9 WHEREAS, the Office of Hawaiian Affairs (OHA) has expertise
10 in Hawaiian culture and the location of burial sites of native
11 Hawaiian origin; now, therefore,
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13 BE IT RESOLVED by the House of Representatives of the
14 Twenty-fifth Legislature of the State of Hawaii, Regular Session
15 of 2010, the Senate concurring, that OHA is requested to study
16 the feasibility of transferring the responsibilities of SHPD
17 relating to the coordination of the evaluation and management of
18 burial sites of native Hawaiian origin under Chapter 6E, Hawaii
19 Revised Statutes, including management of the Island Burial
20 Councils; and
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22 BE IT FURTHER RESOLVED that the Legislature requests the
23 study to include:
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- 25 (1) The feasibility of transferring the inherent police
26 powers of DLNR along with the responsibilities of
27 enforcing burial site protection laws;
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- 29 (2) The ability of OHA to access private, state, and
30 county parcels to investigate inadvertent discoveries
31 of human skeletal remains, including to classify the
32 ethnicity of the remains, under current law; and
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- 34 (3) The staffing, funding, and other resources necessary
35 for OHA to undertake these responsibilities;
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37 and
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39 BE IT FURTHER RESOLVED that OHA is requested to submit its
40 findings and recommendations, including any proposed
41 legislation, to the Legislature no later than 20 days prior to
42 the convening of the Regular Session of 2011; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 Board of Trustees of the Office of Hawaiian Affairs, Chairperson
4 of the Board of Land and Natural Resources, Chairperson of each
5 of the Island Burial Councils, and Mayor and Chairperson of the
6 County Council of each county.

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OFFERED BY: Mele Canall
Karen Awana

MAR 10 2010

