

JAN 19 2024

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# 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 traditional Hawaiian  
2 burials play a critical role in Hawaiian culture. A recognized  
3 traditional Hawaiian practice for treatment of human remains  
4 involves reducing the remains to its skeletal remains, known as  
5 ‘iwi, and interring the ‘iwi in a kapa or lauhala container. The  
6 cultural significance of ‘iwi is deeply rooted in Native Hawaiian  
7 oral traditions, language, and culture. Native Hawaiian burial  
8 traditions acknowledge the natural cycles of life and death.  
9 ‘Iwi are vital to the perpetuation of living Native Hawaiians, as  
10 they are the lasting embodiment of ancestors and a continuous  
11 genealogical link from past, present, and future generations.

12           The legislature further finds that coastal erosion is an  
13 increasing threat to Hawaiian burial sites. The effects of  
14 climate change pose a significant threat to ‘iwi exposed or  
15 likely to be exposed by coastal erosion caused by rising sea  
16 levels. Recent extreme weather events such as torrential rains  
17 and king tides have catalyzed coastal erosion in low-lying



1 areas, which increase the likelihood of landslides and high  
2 surface runoff. Unidentified 'iwi in coastal areas are at severe  
3 risk of being exposed and compromised by coastal erosion that  
4 may impact burial sites as early as 2030.

5 Accordingly, the purpose of this Act is to create an inter-  
6 division program within the department of land and natural  
7 resources consisting of the state historic preservation  
8 division, land division, office of conservation and coastal  
9 lands, and island burial councils, that shall, in partnership  
10 with the office of Hawaiian affairs, address the location of  
11 Hawaiian burial sites and safe movement and restoration of 'iwi  
12 that are exposed or likely to be exposed due to coastal erosion.

13 SECTION 2. (a) The state historic preservation division  
14 of the department of land and natural resources shall establish  
15 an inter-division program to address the location, movement,  
16 relocation, and restoration of Hawaiian burial sites that are  
17 exposed or likely to be exposed by coastal erosion due to  
18 climate change. The state historic preservation division shall  
19 collaborate with the land division, office of conservation and  
20 coastal lands, island burial councils, and office of Hawaiian  
21 affairs in the development of the program.



- 1 (b) The inter-division program shall:
- 2 (1) Examine the fiscal impacts of the movement and
- 3 relocation of ‘iwi affected by coastal erosion to
- 4 locations inland that maintain lineal genealogical or
- 5 cultural connections;
- 6 (2) Take appropriate steps to move and relocate ‘iwi from
- 7 impacted burial sites to areas further inland within
- 8 the same moku;
- 9 (3) Provide guidance and technical assistance to
- 10 communities, organizations, and other stakeholders
- 11 with lineal genealogical or cultural connections to
- 12 the impacted ‘iwi; and
- 13 (4) Develop policies and procedures to protect impacted
- 14 ‘iwi and burial sites that have not been relocated or
- 15 those that have been relocated.
- 16 (c) The state historic preservation division may adopt
- 17 rules in accordance with chapter 91, Hawaii Revised Statutes, to
- 18 carry out the purposes of this section.
- 19 (d) The inter-division program shall collaborate with
- 20 interested stakeholders, including appropriate Hawaiian
- 21 organizations, property owners, community organizations, and



1 other state and county government agencies and private  
2 organizations concerned with the location and movement of 'iwi  
3 from areas impacted by coastal erosion caused by climate change.

4 (e) The state historic preservation division shall submit  
5 a report of its findings and recommendations, including any  
6 proposed legislation, to the legislature no later than twenty  
7 days prior to the convening of the regular session of 2025.

8 SECTION 3. For 'iwi found, the office of Hawaiian affairs  
9 shall cover costs related to the movement and relocation of 'iwi  
10 impacted by coastal erosion. For non-Hawaiian human remains,  
11 the department of land and natural resources shall utilize funds  
12 appropriated in this Act to move and relocate remains in areas  
13 impacted by coastal erosion.

14 SECTION 4. In accordance with section 9 of article VII of  
15 the Hawaii State Constitution and sections 37-91 and 37-93,  
16 Hawaii Revised Statutes, the legislature has determined that the  
17 appropriations contained in Act 164, Regular Session of 2023,  
18 and this Act will cause the state general fund expenditure  
19 ceiling for fiscal year 2024-2025 to be exceeded by  
20 \$            or            per cent. This current declaration takes  
21 into account general fund appropriations authorized for fiscal



1 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
2 only. The reasons for exceeding the general fund expenditure  
3 ceiling are that:

- 4 (1) The appropriation made in this Act is necessary to  
5 serve the public interest; and
- 6 (2) The appropriation made in this Act meets the needs  
7 addressed by this Act.

8 SECTION 5. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2024-2025 for  
11 the development of policies and procedures to advance the  
12 purposes of this Act and for the movement and restoration of  
13 non-Hawaiian burial sites impacted by coastal erosion or likely  
14 to be impacted by coastal erosion.

15 The sum appropriated shall be expended by the department of  
16 land and natural resources for the purposes of this Act.

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1 SECTION 6. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: *Maricela Arroyo*



# S.B. NO. 2295

**Report Title:**

DLNR; State Historic Preservation Division; OHA; Burial Sites; Coastal Erosion; Expenditure Ceiling; Appropriation

**Description:**

Establishes an inter-division program within the Department of Land and Natural Resources consisting of the State Historic Preservation Division, Land Division, Office of Conservation and Coastal Lands, Island Burial Councils, and the Office of Hawaiian Affairs that addresses the location, movement, and restoration of Hawaiian burial sites or 'iwi, exposed or likely to be exposed to coastal erosion. Makes an appropriation.

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

