
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 hana‘i made of kapa or lauhala.
6 The cultural significance of ‘iwi is deeply rooted in Native
7 Hawaiian oral traditions, language, and culture. Native
8 Hawaiian burial traditions acknowledge the natural cycles of
9 life and death. ‘Iwi are vital to the perpetuation of living
10 Native Hawaiians, as they are the lasting embodiment of
11 ancestors and a continuous genealogical link from past, present,
12 and future generations.

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



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

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

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



1 coastal lands, island burial councils, office of Hawaiian
2 affairs, and Aha Moku in the development of the program.

3 (b) The inter-division program shall:

4 (1) Examine the fiscal impacts of the movement and
5 relocation of 'iwi affected by coastal erosion to
6 locations inland that maintain lineal genealogical or
7 cultural connections;

8 (2) Take appropriate steps to move and relocate 'iwi from
9 impacted burial sites to areas further inland within
10 the same moku; provided that recognized lineal or
11 cultural descendants approve of the relocation; and

12 (3) Provide guidance and technical assistance to
13 communities, organizations, and other stakeholders
14 with lineal genealogical or cultural connections to
15 the impacted 'iwi.

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.

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



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, the Office of Hawaiian Affairs, and Aha Moku that addresses the location, movement, and restoration of Hawaiian burial sites or 'iwi, exposed or likely to be exposed to coastal erosion. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.
(SD1)

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