

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 "lineal descendant,"
2 as defined in section 13-300-2, Hawaii Administrative Rules, is
3 excessively strict as it requires applicants to know the name of
4 the individual whose remains were encountered, which is a
5 difficult prospect. The legislature further finds that there
6 have been instances where an applicant seeking lineal descent
7 was denied, despite having established their connection to the
8 burial site through oral or written records, an 'ohana's
9 historical residence on the parcel of land, and their
10 genealogical descent from that 'ohana. The legislature also
11 finds that knowledge of the name of the individual whose remains
12 were encountered is discriminatory as Hawaiian cultural
13 practices, even a few generations ago, did not adhere to the
14 western practice of headstones. Furthermore, land ownership
15 transfers, in some cases, have made it impossible for 'ohana to
16 maintain burial sites.



1 Therefore, the purpose of this Act is to direct the
2 department of land and natural resources to amend the definition
3 of "lineal descendant" in section 13-300-2, Hawaii
4 Administrative Rules, to allow applicants to claim lineal
5 descent status through an indirect, though still genealogical
6 connection, to Native Hawaiian remains found in burial sites.

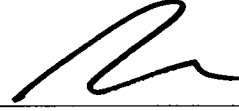
7 SECTION 2. The department of land and natural resources
8 shall amend the definition of "lineal descendent" in
9 section 13-300-2, Hawaii Administrative Rules, to mean: "with
10 respect to Native Hawaiian skeletal remains, a claimant who has
11 established to the satisfaction of the council, direct or
12 collateral genealogical connections to certain Native Hawaiian
13 skeletal remains, or to family members who were granted use or
14 ownership rights of the parcel in which the burial was
15 encountered, or with respect to non-Native Hawaiian skeletal
16 remains, a claimant who has established to the satisfaction of
17 the department, direct or collateral genealogical connections to
18 certain non-Native Hawaiian skeletal remains. Highest
19 consideration should be given to the wishes of lineal
20 descendants, above that of cultural descendants."



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 2441

Report Title:

DLNR; State Historic Preservation Division; Hawaii
Administrative Rules; Burial Sites; Native Hawaiians

Description:

Requires the Department of Land and Natural Resources to amend the definition of "lineal descent", in HAR, to allow applicants to better claim lineal descent status to remains found at burial sites.

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

