

STAND. COM. REP. NO. **2517**

Honolulu, Hawaii

**FEB 16 2024**

RE: S.B. No. 2591

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 2591 entitled:

"A BILL FOR AN ACT RELATING TO BURIAL SITES,"

beg leave to report as follows:

The purpose and intent of this measure is to allow individuals and ohana members to access burial sites on privately owned lands to identify, monitor, or record burial sites, or to conduct cultural practices related to burial sites.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs and nine individuals.

Your Committees received testimony in opposition to this measure from three members of the Maui Lanai Islands Burial Council; Pacific Rim Land, Inc.; and one individual.

Your Committees received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that individuals and ohana possess the right to access private property to identify and record burials for inclusion in the State's inventory of burial sites, or to conduct cultural practices related to burial sites. Your Committees have heard the concerns raised in testimony, including



questions regarding landowner liability and the scarcity of personnel required to enforce this measure.

Your Committees find that it is important to hold private landowners accountable for burial sites, archaeological sites, or historic property located on their land. This measure will protect and preserve culturally and historically important sites by imposing a fine on private owners that fail to disclose and record these sites.

Accordingly, your Committees have amended this measure by:

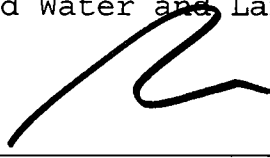
- (1) Deleting its contents and inserting language that imposes a fine of \$1,000 on any private landowner who:
  - (A) Fails to disclose and record with the Bureau of Conveyances burial or archaeological sites located on their property that the landowner knew of or should have known of; or
  - (B) Fails to record their property with the Hawaii Register of Historic Places prior to or concurrently with a real estate transaction when the landowner knew of or should have known that an obligation existed; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2591, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2591, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Water and Land,

  
LORRAINE R. INOUE, Chair

  
MAILE S.L. SHIMABUKURO, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i


**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:* <b>SB 2591</b>	Committee Referral: <b>HWN/WTL, JDC</b>	Date: <b>02/13/2024</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	X			
FEVELLA, Kurt (VC)	X			
IHARA, Jr., Les				X
KEOHOKALOLE, Jarrett	X			
RICHARDS, III, Herbert M. "Tim"				X
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

**\*Only one measure per Record of Votes**

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

Record of Votes  
 Committee on Water and Land  
 WTL

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Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

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