

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 individuals and
2 ohana possess the right to access private property to identify
3 and record burials for inclusion in the State's inventory of
4 burial sites, or to conduct cultural practices related to burial
5 sites.

6 Therefore, the purpose of this Act is to ensure that
7 individuals and ohana members of lineal or cultural descent to
8 individuals buried on privately owned property may access burial
9 sites for the purposes of identifying, monitoring, or recording
10 burial sites, or to conduct cultural practices related to burial
11 sites.

12 SECTION 2. Section 6E-10, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) The department may enter, solely in performance of
15 its official duties and only at reasonable times, upon private
16 lands for examination or survey thereof. Whenever any member of
17 the department duly authorized to conduct investigations and



1 surveys of an historic or cultural nature determines that entry
2 onto private lands for examination or survey of historic or
3 cultural finding is required, the department shall give written
4 notice of the finding to the owner or occupant of [~~such~~] the
5 property at least five days prior to entry. An individual
6 seeking to identify, record, or monitor burial sites on
7 privately owned lands, or to conduct cultural practices related
8 to burial sites on privately owned lands, may request access to
9 the parcel through the department; provided that the individual
10 can demonstrate lineal or cultural descent to individuals known
11 through oral or written records to have been buried on the
12 property. Private landowners shall provide reasonable access to
13 the individual and may require that the individual be
14 accompanied by a member of the department. If entry is refused,
15 the member, or individual who is a cultural or lineal descendant
16 to the burials on the private property, may make a complaint to
17 the district environmental court in the circuit in which [~~such~~]
18 the land is located. The district environmental court may
19 thereupon issue a warrant, directed to any police officer of the
20 circuit, commanding the officer to take sufficient aid, and,
21 being accompanied by a member of the department, and, as



1 appropriate, lineal or cultural descendants of individuals known
 2 through oral or written records to have been buried on the
 3 property, between the hours of sunrise and sunset, allow the
 4 member of the department, or the lineal or cultural descendant,
 5 to examine or survey the historic or cultural property."

6 SECTION 3. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9



INTRODUCED BY: _____



S.B. NO. 2591

Report Title:

State Historic Preservation Division; Native Hawaiians; Cultural Practitioners; Burial Sites; Private Property; Landowners

Description:

Allows 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.

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