

STAND. COM. REP. NO.

1694

Honolulu, Hawaii

, 2025

MAR 28

RE: H.R. No. 186

H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Water & Land, to which was referred H.R.
No. 186 entitled:

"HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS
TO CONVENE A WORKING GROUP TO EXAMINE AND CONSIDER THE
TRANSFER OF NATIVE HAWAIIAN BURIAL SITE MANAGEMENT UNDER
CHAPTER 6E, HAWAII REVISED STATUTES, FROM THE STATE HISTORIC
PRESERVATION DIVISION TO THE OFFICE OF HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose of this measure is to request the Office of
Hawaiian Affairs to convene a working group to examine and
consider the transfer of Native Hawaiian burial site management
under chapter 6E, Hawaii Revised Statutes, from the State Historic
Preservation Division to the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure
from the Office of Hawaiian Affairs; Ohana Unity Party; Pilina
Center for Wellbeing; Ko'olaupia Hawaiian Civic Club; Pu'uhoehoe o
Wailupe; Nohopapa Hawai'i, LLC; Huli'auapa'a; Environmental Caucus
of the Democratic Party of Hawai'i; Kahua O Kakou, Hui (Corp)
Humu'ula Kala'i'eha LLC; Hui Iwi Kuamo'o; and numerous individuals.
Your Committee received testimony in opposition to this measure
from Malama Kakanilua and six individuals. Your Committee
received comments on this measure from the Department of Land and
Natural Resources.

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Your Committee finds that the State has a statutory duty to provide leadership in the preservation, maintenance, and restoration of historic properties and burial artifacts. Currently, the responsibility for the management of Native Hawaiian burial sites falls under the purview of the appropriate Island Burial Council, which is overseen by the State Historic Preservation Division. However, your Committee finds that the State Historic Preservation Division's broader mission to protect and maintain all historic properties has led to conflicts of interest regarding burial sites and fundamental inadequacies in the laws affecting burial sites. Your Committee believes that an appropriate first step to address these inadequacies is to consider whether oversight of Native Hawaiian burial sites should be moved out of the State Historic Preservation Division and into the Office of Hawaiian Affairs, whose mission of advancing the betterment of Native Hawaiians may provide a better fit for appropriately carrying out the State's burial law responsibilities.

Your Committee has amended this measure by:

- (1) Requesting the working group to also consider certain issues and recommend improvements to the process of protecting burial sites and to the effectiveness of the current burial sites program;
- (2) Amending the composition of the working group; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 186, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.R. No. 186, H.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Water & Land,



MARK J. HASHEMI, Chair



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Bill/Resolution No.: HR 186		Committee Referral: WAL, JHA		Date: 3/25/2025	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
WAL Members		Ayes	Ayes (WR)	Nays	Excused
1. HASHEM, Mark J. (C)		/			
2. LAMOSAO, Rachele F. (VC)		/			
3. BELATTI, Della Au		/			
4. ICHIYAMA, Linda		/			
5. IWAMOTO, Kim Coco		✓			
6. MORIKAWA, Dee		✓			
7. POEPOE, Mahina		✓			
8. WOODSON, Justin H.		✓			
9. SHIMIZU, Garner M.		✓			
10. SOUZA, Kanani		✓			
TOTAL (10)		10	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: <u>Mark J. Hashem</u>					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					