

JAN 19 2007

A BILL FOR AN ACT

RELATING TO BURIAL SITES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to provide financial
2 support to the department of land and natural resources for the
3 necessary staff and equipment that is required to execute the
4 duties established in this Act.

5 SECTION 2. Section 6E-43.6, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (b) to read:

8 "(b) The discovery shall be reported as soon as possible
9 to the department, the appropriate medical examiner or coroner,
10 and the appropriate police department. As soon as practicable,
11 the department shall notify the appropriate council and the
12 office of Hawaiian affairs. In cases where the department has
13 jurisdiction and the remains are on the site of discovery, the
14 department shall map the coordinates of the location using a
15 global positioning device and record the information."

16 2. By amending subsection (f) to read:

17 "(f) In cases where remains are archaeologically removed,
18 the department shall determine the place of relocation, after



1 consultation with the appropriate council, affected property
2 owners, representatives of the relevant ethnic group, and any
3 identified lineal descendants, as appropriate. The department
4 shall also map the coordinates of the location where the human
5 skeletal remains are to be relocated, or preserved in place,
6 using a global positioning system device, and record the
7 information with the bureau of conveyances; provided that the
8 location shall remain confidential except as to any lineal or
9 cultural descendants. Relocation shall conform with
10 requirements imposed by the department of health, and may be
11 accompanied by traditional ceremonies, as determined by the
12 lineal descendants, or, if no lineal descendants are identified,
13 the appropriate council or representatives of the relevant
14 ethnic group that the department deems appropriate. Specific or
15 special reinterment requests from lineal or cultural descendants
16 may be accommodated provided that the additional expenses
17 incurred are paid by the affected descendants."

18 SECTION 3. Section 92F-14, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read:

20 "(b) The following are examples of information in which
21 the individual has a significant privacy interest:



- 1 (1) Information relating to medical, psychiatric, or
2 psychological history, diagnosis, condition,
3 treatment, or evaluation, other than directory
4 information while an individual is present at such
5 facility;
- 6 (2) Information identifiable as part of an investigation
7 into a possible violation of criminal law, except to
8 the extent that disclosure is necessary to prosecute
9 the violation or to continue the investigation;
- 10 (3) Information relating to eligibility for social
11 services or welfare benefits or to the determination
12 of benefit levels;
- 13 (4) Information in an agency's personnel file, or
14 applications, nominations, recommendations, or
15 proposals for public employment or appointment to a
16 governmental position, except:
- 17 (A) Information disclosed under section
18 92F-12(a)(14); and
- 19 (B) The following information related to employment
20 misconduct that results in an employee's
21 suspension or discharge:
- 22 (i) The name of the employee;



- 1 (ii) The nature of the employment related
- 2 misconduct;
- 3 (iii) The agency's summary of the allegations of
- 4 misconduct;
- 5 (iv) Findings of fact and conclusions of law; and
- 6 (v) The disciplinary action taken by the agency;
- 7 when the following has occurred: the highest
- 8 non-judicial grievance adjustment procedure
- 9 timely invoked by the employee or the employee's
- 10 representative has concluded; a written decision
- 11 sustaining the suspension or discharge has been
- 12 issued after this procedure; and thirty calendar
- 13 days have elapsed following the issuance of the
- 14 decision; provided that this subparagraph shall
- 15 not apply to a county police department officer
- 16 except in a case which results in the discharge
- 17 of the officer;
- 18 (5) Information relating to an individual's
- 19 nongovernmental employment history except as necessary
- 20 to demonstrate compliance with requirements for a
- 21 particular government position;



- 1 (6) Information describing an individual's finances,
2 income, assets, liabilities, net worth, bank balances,
3 financial history or activities, or creditworthiness;
- 4 (7) Information compiled as part of an inquiry into an
5 individual's fitness to be granted or to retain a
6 license, except:
- 7 (A) The record of any proceeding resulting in the
8 discipline of a licensee and the grounds for
9 discipline;
- 10 (B) Information on the current place of employment
11 and required insurance coverages of licensees;
12 and
- 13 (C) The record of complaints including all
14 dispositions;
- 15 (8) Information comprising a personal recommendation or
16 evaluation; ~~and~~
- 17 (9) Social security numbers ~~[]~~; and
- 18 (10) Information relating to the location of human skeletal
19 remains relocated after an inadvertent discovery of a
20 burial site as provided by section 6E-43.6, except as
21 to the affected lineal or cultural descendants."
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1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$176,000, or so much
3 thereof as may be necessary for fiscal year 2007-2008, for staff
4 and equipment costs to fulfill the duties set forth in section 1
5 of this Act.

6 The sum appropriated shall be expended by the department of
7 land and natural resources for the purposes of this Act.

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

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Report Title:

Burial Sites; Location Recordation; Appropriation

Description:

Requires the department of land and natural resources to map burial sites that are inadvertently discovered using a global positioning system device and record the location of the site and the site to which the remains are reinterred, if any, keeping the relocation site confidential except as to lineal or cultural descendants. Appropriates \$176,000 for the 2007-2008 fiscal year for staff and equipment necessary to fulfill these requirements.

