

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 1030
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1030 entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Department of Land and Natural Resources to map and record the location of inadvertently discovered human remains and to appropriate funds therefor.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources (DLNR), the Office of Hawaiian Affairs, the Society for Hawaiian Archaeology, and one individual.

Your Committee finds that under the existing law, the management of burial sites in Hawaii that are over fifty years old falls under the purview of the Historic Preservation Division of the DLNR. The Historic Preservation Division works in conjunction with other cultural organizations when burial remains related to their specific ethnic group are discovered. There are five Island Burial Councils that are administratively attached to the Historic Preservation Division for the purpose of addressing concerns relating to Native Hawaiian burial sites.

Your Committee further finds that the maintenance of information on the location of human remains that have been inadvertently discovered, whether they are preserved in place or



relocated, is necessary to ensure the provision of the additional protection for Native Hawaiian burial sites that the law currently provides. However, due to the sensitive nature of the information regarding the location of human remains, your Committee believes that such information should not be made available to the general public through recordation with the Bureau of Conveyances. Instead, the DLNR should be required to keep records of the information for disclosure to the appropriate parties. Although the DLNR is already tasked with maintaining records on the locations and descriptions of Native Hawaiian burial sites, current practices underscore the need to explicitly require the DLNR to maintain records on the location of human skeletal remains, as determined by use of a global positioning system device. This requirement will further ensure that the information will be readily available to the appropriate individuals.

Accordingly, your Committee has amended this measure by:

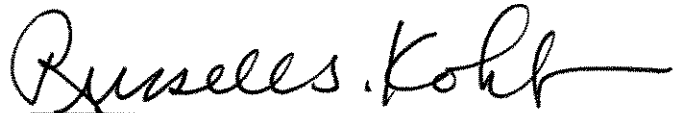
- (1) Removing the amendment to section 92F-14, Hawaii Revised Statutes, that categorized information on the location of inadvertently discovered Native Hawaiian burial sites as information to which there is a significant privacy interest;
- (2) Specifying that DLNR records relating to the location and description of inadvertently discovered human remains and sites of relocated burials or human remains are confidential, if deemed sensitive by an Island Burial Council;
- (3) Removing the requirement that a record of the location of burial sites be recorded with the Bureau of Conveyances; and
- (4) Requiring the DLNR to maintain records of information on the location of any inadvertently discovered human skeletal remains, as determined through the use of a global positioning system device.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1030, as amended herein, and recommends that it pass Second Reading in the form attached hereto



as S.B. No. 1030, S.D. 1, and be referred to the Committee on Ways and Means.

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



RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

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|--|--|------------------------|----------|----------|
| Bill / Resolution No.:* <i>S.B. 1030</i> | Committee Referral: <i>WAH, WAM</i> | Date: <i>2/9/07</i> | | |
| <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 |
| KOKUBUN, Russell S. (C) | X | | | |
| TOKUDA, Jill N. (VC) | X | | | |
| FUKUNAGA, Carol | X | | | |
| HEE, Clayton | X | | | |
| SLOM, Sam | X | | | |
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| TOTAL | <i>5</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <i>Jill N. Tokuda</i> | | | | |
| Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency | | | | |

*Only one measure per Record of Votes