
A BILL FOR AN ACT

RELATING TO ISLAND BURIAL COUNCILS.

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

1 SECTION 1. The legislature finds that due to Molokai's
2 small population, the residents have struggled to meet the
3 requirements for the Molokai island burial council membership.
4 The law requires members from different geographic regions and
5 representation of development and large property owner
6 interests. In 2008, there was only one meeting of the Molokai
7 island burial council; all other meetings were cancelled due to
8 a lack of quorum. A meeting scheduled for January 2009 was also
9 cancelled due to lack of quorum. The state archaeologist and
10 the history and culture branch chief of the state historic
11 preservation division traveled to Molokai to meet with island
12 burial council members and concerned community members.

13 In 2009, the two development representatives' terms expired
14 and the community, despite good faith efforts, has been unable
15 to recruit new members. There are educated, active young people
16 willing to serve, but they are denied the opportunity because
17 they are not developers or do not represent a specific
18 geographic region. The Molokai community is small and this has



1 hindered the island burial council's ability to function as
2 needed.

3 The purpose of this Act is allow certain requirements of
4 membership to the Molokai island burial council to be waived by
5 the governor upon recommendation by the department of land and
6 natural resources.

7 SECTION 2. Section 6E-43.5, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Appointment of members to the councils shall be made
10 by the governor, in accordance with section 26-34, from a list
11 provided by the department, provided that a minimum of twenty
12 per cent of the regional representatives shall be appointed from
13 a list of at least nine candidates provided by the office of
14 Hawaiian affairs. The department shall develop the list in
15 consultation with appropriate Hawaiian organizations, such as
16 Hui Malama I Na Kupuna O Hawai'i Nei. The membership of each
17 council shall include at least one representative from each
18 geographic region of the island as well as representatives of
19 development and large property owner interests[-]; provided that
20 if after a good faith effort a qualified candidate is not
21 available for the island of Molokai, the governor, upon
22 recommendation of the department, may waive the geographic



1 region and the development and large property owner interest
2 requirements. Regional representatives shall be selected from
3 the Hawaiian community on the basis of their understanding of
4 the culture, history, burial beliefs, customs, and practices of
5 native Hawaiians. The councils shall have a minimum of nine and
6 a maximum of fifteen members, and have a ratio of not more than
7 three to one and no less than two to one in favor of regional
8 representatives[-]; provided that if the governor waives the
9 geographic region requirements, the ratio of not more than three
10 to one and no less than two to one shall not apply."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14



Report Title:

Island Burial Councils; Molokai; Waiver of Requirements

Description:

Authorizes the governor to waive the requirements that the Molokai island burial council membership include geographic region, development, and large property owner representatives.
(SD1)

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