

Honolulu, Hawaii  
Feb 2, 2010

RE: H.B. No. 1964  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
H.B. No. 1964 entitled:

"A BILL FOR AN ACT RELATING TO REPATRIATION,"

begs leave to report as follows:

The purpose of this bill is to require consultation of the appropriate island burial council, Hui Malama, the Office of Hawaiian Affairs, the designated native Hawaiian organization, and lineal or cultural descendants, when repatriating human remains, funerary objects, sacred objects, and objects of cultural patrimony subject to the federal Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

The Kanaka Council Moku O Keawe and several concerned individuals testified in support of this bill. The Office of Hawaiian Affairs supported this measure with amendments. The Department of Land and Natural Resources (DLNR) opposed this bill. The Attorney General provided comments.

Your Committee notes that concerns were raised that language in this bill referring to the NAGPRA, which has federal consultation requirements that differ from the state requirements for consultation in this bill, may result in litigation contesting the propriety of DLNR State Historic Preservation Division's repatriation process. However, because of general support for the intent of this bill, which is to expand the consultation process,



your Committee is passing out this bill to encourage further discussion on this matter.

Your Committee has amended this bill by:

- (1) Adding Kanaka Council Moku O Keawe to the list of entities to be consulted prior to repatriation;
- (2) Clarifying the name of the organization "Hui Malama" to include its complete name, "Hui Malama I Na Kupuna O Hawai'i Nei;" and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1964, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1964, H.D. 1, and be referred to the Committee on Water, Land, & Ocean Resources.

Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,



MELE CARROLL, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 31-10

**Record of Votes of the Committee on Hawaiian Affairs**

Bill/Resolution No.: <b>HB 1964</b>	Committee Referral: <b>HAW, WLO, FIN</b>	Date: <b>01-27-2010, 9:30AM</b>		
<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)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. CARROLL, Mele (C)	✓			
2. SHIMABUKURO, Maile S.L. (VC)	✓			
3. BELATTI, Della Au				✓
4. BERTRAM, Joe, III	✓			
5. BROWER, Tom	✓			
6. MIZUNO, John M.				✓
7. NISHIMOTO, Scott Y.	✓			
8. YAMANE, Ryan I.	✓			
9. WARD, Gene	✓			
<b>TOTAL (9)</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				