
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 the statute
2 providing for the establishment of the island burial councils
3 needs to be clarified and simplified to ensure that the island
4 burial councils can fulfill their critical responsibilities.

5 SECTION 2. Section 6E-43.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~§6E-43.5~~ **Island burial councils; creation; appointment;**
8 **composition; duties.** (a) [~~The department shall establish~~
9 There are established within the department five island burial
10 councils, one each for [Hawaii, Maui/Lanai, Molokai, Oahu, and
11 Kauai/Niihau,] Hawai'i, Maui/Lāna'i, Moloka'i, O'ahu, and
12 Kaua'i/Ni'ihau, to implement section 6E-43. Each council shall
13 consist of nine members, except the Moloka'i council, which shall
14 consist of five members. Each council shall consist of no more
15 than three representatives of development and large property
16 owner interests; provided that the Moloka'i council shall consist
17 of no more than one representative of development and large



1 property owner interests. Each council shall consist of at
2 least one representative from each geographic region identified
3 as follows:

4 (1) The Hawai'i council shall consist of the following
5 geographic regions: Kohala, Kona, Ka'ū, Puna, Hilo,
6 and Hāmākua;

7 (2) The Maui/Lāna'i council shall consist of the following
8 geographic regions: Honua'ula, Lahaina, Wailuku,
9 Makawao, Hāna, and Lāna'i;

10 (3) The Moloka'i council shall consist of the following
11 geographic regions: West Moloka'i, Central Moloka'i,
12 East Moloka'i, and Kalawao;

13 (4) The O'ahu council shall consist of the following
14 geographic regions: Wai'anae, 'Ewa, Kona, Ko'olaupoko,
15 Ko'olauloa, and Waialua; and

16 (5) The Kaua'i/Ni'ihau council shall consist of the
17 following geographic regions: Waimea/Na Pali, Kōloa,
18 Līhu'e, Kawaihau, Hanalei, and Ni'ihau.

19 Regional representatives shall be selected from the Hawaiian
20 community on the basis of their understanding of the culture,



1 history, burial beliefs, customs, and practices of native
2 Hawaiians.

3 (b) Appointment of members to the councils shall be made
4 by the governor, in accordance with section 26-34, from a list
5 provided by the department [~~provided that a minimum of twenty~~
6 ~~per cent of the regional representatives shall be appointed from~~
7 ~~a list of at least nine candidates provided by the office of~~
8 ~~Hawaiian affairs. The department shall develop the list in~~
9 ~~consultation with appropriate Hawaiian organizations, such as~~
10 ~~Hui Malama I Na Kupuna O Hawai'i Nei. The membership of each~~
11 ~~council shall include at least one representative from each~~
12 ~~geographic region of the island as well as representatives of~~
13 ~~development and large property owner interests. Regional~~
14 ~~representatives shall be selected from the Hawaiian community on~~
15 ~~the basis of their understanding of the culture, history, burial~~
16 ~~beliefs, customs, and practices of native Hawaiians. The~~
17 ~~councils shall have a minimum of nine and a maximum of fifteen~~
18 ~~members, and have a ratio of not more than three to one and no~~
19 ~~less than two to one in favor of regional representatives.];
20 provided that the office of Hawaiian affairs may submit a
21 separate list to the governor, in which case a minimum of twenty~~



1 per cent of the regional vacancies shall be filled by qualified
2 candidates from this separate list.

3 (c) The department, in consultation with the councils,
4 office of Hawaiian affairs, representatives of development and
5 large property owner interests, and appropriate Hawaiian
6 organizations, such as Hui Malama I Na Kupuna O Hawai'i Nei,
7 shall adopt rules pursuant to chapter 91 necessary to carry out
8 the purposes of this section. The council members shall serve
9 without compensation, but shall be reimbursed for necessary
10 expenses incurred during the performance of their duties. The
11 councils shall be a part of the department for administrative
12 purposes.

13 (d) The councils shall hold meetings and acquire
14 information as they deem necessary and shall communicate their
15 findings and recommendations to the department. Notwithstanding
16 section 92-3, whenever the location and description of burial
17 sites are under consideration, the councils may hold closed
18 meetings. A majority of all members to which each council is
19 entitled shall constitute a quorum to do business. Concurrence
20 of a majority of the members present at a meeting shall be
21 necessary to make any action of a council valid.



1 (e) Department records relating to the location and
2 description of historic sites, including burial sites, if deemed
3 sensitive by a council or the [Hawaii] Hawai'i historic places
4 review board, shall be confidential.

5 (f) The councils shall:

6 (1) Determine the preservation or relocation of previously
7 identified native Hawaiian burial sites;

8 (2) Assist the department in the inventory and
9 identification of native Hawaiian burial sites;

10 (3) Make recommendations regarding appropriate management,
11 treatment, and protection of native Hawaiian burial
12 sites, and on any other matters relating to native
13 Hawaiian burial sites;

14 (4) Elect a chairperson for a four-year term who shall
15 serve for not more than two consecutive terms; and

16 (5) Maintain a list of appropriate Hawaiian organizations,
17 agencies, and offices to notify regarding the
18 discovery of remains."

19 SECTION 3. Each current sitting council member shall serve
20 the remainder of the member's term. However, once each member's
21 term ends, the seat shall be filled in accordance with this Act.



1 All future appointments to the burial councils shall be filled
2 in accordance with this Act.

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6



Report Title:

OHA Package; Island Burial Councils; Composition

Description:

Clarifies statutory provisions relating to composition and quorum of island burial councils. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

