

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 407  
S.D. 1  
H.D. 2  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 407, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend statutory provisions relating to the composition and quorum of island burial councils.

Your Committee on Conference finds that some island burial councils are unable to fill certain council seats or unable to make quorum for various reasons. It is necessary to amend the statutory provisions relating to the island burial councils to ensure that island burial councils are sufficiently staffed and able to make critical decisions relating to the care of iwi kupuna. Among other things, your Committee on Conference seeks to ensure that the amendments made by this measure will not affect the validity of decisions being made by current council members.



Accordingly, your Committee on Conference has amended this measure by:

- (1) Clarifying that a member of each council shall include at least one representative "for" each geographic region rather than "from" each geographic region;
- (2) Requiring that a representative from the Kona geographic region on Oahu be included on the Oahu council;
- (3) Clarifying that regional representatives should be selected based on the representatives' understanding of the culture, history, burial beliefs, customs, and practices of native Hawaiians in the region they each represent;
- (4) Deleting the requirement that each list of nominees submitted by the Department of Land and Natural Resources and Office of Hawaiian Affairs to the Governor to fill vacancies on the councils includes at least two qualified nominees for each vacant seat;
- (5) Specifying that the decisions and other actions of each holdover member's council shall not be subject to challenge on the basis that the requirement in section 6E-43.5(a), Hawaii Revised Statutes, that each council include a member who represents each geographic region of the council, has not been met;
- (6) Making the measure effective upon approval; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 407, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 407, S.D. 1, H.D. 2, C.D. 1.

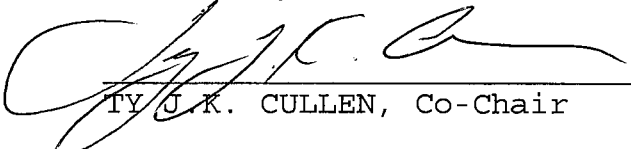


Respectfully submitted on behalf  
of the managers:


ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

  
\_\_\_\_\_  
FAYE P. HANOZANO, Co-Chair

  
\_\_\_\_\_  
TY J. K. CULLEN, Co-Chair

  
\_\_\_\_\_  
BRICKWOOD GALUTERIA, Chair

  
\_\_\_\_\_  
MICHELLE N. KIDANI, Co-Chair

  
\_\_\_\_\_  
GILBERT S.C. KEITH-AGARAN,  
Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 407, SD 1, HD 2</b>	Date/Time: <b>4/22/13 2:06PM</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.


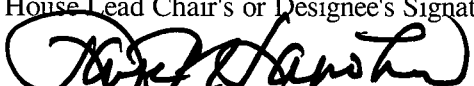
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GALUTERIA, Brickwood, Chr.	✓				HANOHANO, Faye P., Co-Chr.	✓			
KIDANI, Michelle N., Co-Chr.	✓				CULLEN, Ty J.K., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				EVANS, Cindy				✓
KAHELE, Gilbert	✓				FALE, Richard Lee	✓			
SLOM, Sam				✓					
<b>TOTAL</b>	<b>4</b>			<b>1</b>	<b>TOTAL</b>	<b>3</b>			<b>1</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      Original      Yellow      Pink      Goldenrod  
*File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency*