

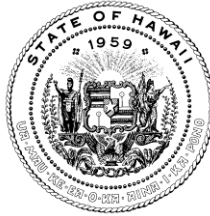
SB 407

Measure Title: RELATING TO ISLAND BURIAL COUNCILS.
Report Title: OHA Package; Island Burial Councils; Composition
Description: Clarifies statutory provisions relating to composition and quorum of island burial councils.
Companion: [HB221](#)
Package: OHA
Current Referral: THA
Introducer(s): KIM (Introduced by request of another party)

Sort by Date		Status Text
1/18/2013	S	Introduced.
1/22/2013	S	Passed First Reading.
1/22/2013	S	Referred to THA.
2/7/2013	S	The committee(s) on THA has scheduled a public hearing on 02-13-13 2:45PM in conference room 224.

William Aila	DEPARTMENT OF LAND AND NATURAL RESOURCES	SUPPORT
Hinaleimoana Wong-Kalu	OAHU ISLAND BURIAL COUNCIL	SUPPORT
Daniel Nahoopii	OAHU COUNCIL ASSOCIATION OF HAWAIIAN CIVIC CLUBS	SUPPORT
Sara Colling	SOCIETY OF HAWAIIAN ARCHAEOLOGIST	SUPPORT
Kealii Makekau		SUPPORT
Charles Young		SUPPORT

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

Testimony of
WILLIAM AILA, JR
Chairperson

Before the Senate Committee on
TOURISM AND HAWAIIAN AFFAIRS

Wednesday, February 13, 2013
2:45 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 407
RELATING TO ISLAND BURIALS COUNCILS

Senate Bill 407 seeks to clarify quorum for the Island Burial Councils, which have failed to meet due to a lack of quorum. The Department of Land and Natural Resources (Department) supports the concept of this bill and offers the following comments and amendments.

Senate Bill 407 proposes to set membership at nine (9) for all Burial Councils except Kauai, which is set at 11. The Department notes that Kauai was unable to meet in 2012 due to a lack of quorum. The Department believes the Moku of Na Pali should be combined with the District of Waimea. Representation from Na Pali is difficult because no one lives there anymore. In general, burials found in Na Pali are inadvertent discoveries and handled by the Departments' Division of State Parks and the State Historic Preservation Division (SHPD).

SHPD also believes that Moloka'i should have five (5) or at most seven (7) members. The Molokai Island Burial Council has not met for over five years because they have been unable to recruit enough members. In particular, landowners have not been willing to sit on the Council. Thus to reduce the number of landowners on the Council to one is a good idea and may allow Molokai to again have a Burial Council. The other option is to join the Molokai Council to the Maui/Lanai Council and have a Maui Nui Council. If the State decides to define Councils by county, rather than island, this would work.

The Department also suggests that the language requiring that the governor to select from list provided by the department provided that a minimum of the 20% of the regional representatives be selected from a list of nine candidates provided by the Office of Hawaiian Affairs. The Department suggests the following language:

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Appointment of members to the councils shall be made by the governor, in accordance with section 26-34, from a list provided by the department and the office of Hawaiian affairs. The office of Hawaiian affairs may submit a separate list of at least nine nominees to the governor, in which case, a minimum of 20 per cent of the regional vacancies shall be filled by qualified candidates from the office of Hawaiian affairs list.

SB407

Submitted on: 2/13/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hinaleimoana Wong-Kalu	Oahu Island Burial Council	Support	Yes

Comments: KAKO'O AU I KEIA PILA. MAHALO A NUI NO KA HANA 'ANA ME KA POLOLEI. ALOHA. UA HALAWAI MUA NOHO'I MAKOU NA ALAKAI O NA AHA MALAMA IWI KUPUNA O NA MOKUPUNI PAKAHI E PILI ANA NO IA KULEANA NOHOI NO NA IBC. ALOHA MAKOU I KO MAKOU POE KUPUNA, ALOHA MAKOU I KO MAKOU KULEANA. O KO MAKOU KULEANA MALAMA IWI KUPUNA NOHOI UA MAOPOPO IA MAKOU HE KULEANA KOIKOI NO LAILA HOI KEIA E HOIKE NEI NO IA OUKOU I KOU MANAO PAIPAI A KAKOO I IA PILA SB407. MAHALO.

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SB407

Submitted on: 2/12/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Naho'opi'i	Oahu	Support	No

Comments:

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TO: Senator Brickwood Galuteria, Chair
Senate Committee on Tourism & Hawaiian Affairs

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: Wednesday, February 13, 2013 2:45 PM, Room 224

SUBJECT: Testimony in SUPPORT of SB 407, Relating to Island Burial Councils

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. Many of our members have a vital interest in the outcome of this bill. In the more than 20 years since the IBCs were established, SHA members have spent thousands of hours at IBC meetings providing background information on individual burials and on projects – information that is critical to the councils' deliberations. On behalf of SHA, I am providing testimony in SUPPORT of SB 407.

The subject bill proposes to clarify statutory provisions relating to the composition of the Island Burial Councils (IBCs) and how quorum is established for meetings. We have listed below the primary amendments proposed in SB 407 as we understand them:

§6E-43.5 (a) is amended as follows:

- Instead of the variable number of members currently serving on the five different IBCs, the councils will each have nine members except for the Kaua'i/Ni'ihau IBC, which will have eleven members.
- Each council will have no more than three members of the nine who are representatives of development and large property owner interests.
- The geographic areas to be represented on each IBC, currently found at Hawaii Administrative Rule (HAR) 13-300-22, are added to this section of the statute as are the qualifications for members.

§6E-43.5 (b) is amended as follows:

- The requirements pertaining to the ratios between geographic and landowner/developer representatives on each IBC have been removed entirely.
- The range of total members authorized for each IBC (nine to fifteen) has been deleted.

§6E-43.5 (d) is amended by redefining quorum as a majority of all members to which a council is entitled.

We believe that the proposed amendments – particularly those re-defining the number of total members allotted to each council and the number of members needed for a quorum – will, if adopted, allow the IBCs to operate with many fewer obstacles and much greater efficiency. If the proposed changes are adopted, quorum for most of the IBCs will consist of five members, six in the case of the Kaua'i/Ni'ihau IBC. A brief review of IBC minutes for all functioning councils over the last few years will show that a quorum of five or six could easily be achieved for nearly all of their meetings. In addition, the proposed removal of the requirement to maintain a ratio between geographic and landowner/developer representatives will also make it easier to recruit people to serve on the councils and for the IBCs to meet.

We would recommend that your committee review the proposed language pertaining to the numbers of council members appointed to represent landowners/developers. Perhaps we have misunderstood, but the language appears ambiguous. The amendment would have “not more than three representatives of development and large property interests” appointed to each IBC. It does not set a minimum number of development and large property representatives for each council and therefore appears to make this representation optional. Does this give the Governor the discretion not to appoint any representative of development and large property interests to a council? We are not offering an opinion on this representation but we do think the wording should be clarified.

Thank you for the opportunity to provide testimony in support of SB 407. Should you have any questions, please feel free to contact me at the above email address.

SB407

Submitted on: 2/8/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Makekau	Individual	Support	Yes

Comments:

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SB407

Submitted on: 2/12/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Young	Individual	Support	No

Comments: I support this bill as it will help address the challenges of compostion faced by Island Burial Councils and facilitate the convening of regularly scheduled public meetings.

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