
A BILL FOR AN ACT

RELATING TO BURIAL COUNCILS.

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

1 SECTION 1. The legislature finds that delays in nominating
2 and appointing, or reappointing, members to island burial
3 councils may affect the ability of councils to function
4 effectively. If a member's term expires and the member's
5 reappointment is delayed or a successor is not timely appointed,
6 the burial council may lack the quorum necessary to conduct
7 business.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Allow a burial council member whose term has expired
10 to continue in office as a holdover member until the
11 member's reappointment to a second term is confirmed
12 or a successor is nominated and appointed; and
- 13 (2) Allow burial councils to allow council members and the
14 public to participate in council meetings through
15 interactive conference technology, pursuant to section
16 92-3.7, Hawaii Revised Statutes.



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

3 **"§6E-43.5 Island burial councils; creation; appointment;**
4 **composition; duties.** (a) There [~~are~~] shall be established
5 within the department five island burial councils, one each for
6 Hawai'i, Maui/Lāna'i, Moloka'i, O'ahu, and Kaua'i/Ni'ihau, to
7 implement section 6E-43. Each council shall consist of nine
8 members, except the Moloka'i council, which shall consist of five
9 members. Each council shall consist of no more than three
10 representatives of development and large landowner interests;
11 provided that the Moloka'i council shall consist of no more than
12 one representative of development and large landowner interests.
13 The remaining council members shall represent the geographic
14 regions identified in paragraphs (1) through (5). At all times,
15 at least two of the regional representatives of each council
16 shall have been appointed from a list of nominees submitted to
17 the governor by the office of Hawaiian affairs, as provided
18 under subsection (b). Each council shall include at least one
19 representative for each geographic region identified as follows:



- 1 (1) The Hawai'i council shall include the following
2 geographic regions: Kohala, Kona, Ka'ū, Puna, Hilo,
3 and Hāmākua;
- 4 (2) The Maui/Lāna'i council shall include the following
5 geographic regions: Honua'ula, Lahaina, Wailuku,
6 Makawao, Hāna, and Lāna'i;
- 7 (3) The Moloka'i council shall include the following
8 geographic regions: West Moloka'i, Central Moloka'i,
9 East Moloka'i, and Kalawao;
- 10 (4) The O'ahu council shall include the following
11 geographic regions: Wai'ānae, 'Ewa, Kona, Ko'olaupoko,
12 Ko'olauloa, and Waialua; and
- 13 (5) The Kaua'i/Ni'ihau council shall include the following
14 geographic regions: Waimea/Na Pali, Kōloa, Līhu'e,
15 Kawaihau, Hanalei, and Ni'ihau.
- 16 Regional representatives shall be selected from the Hawaiian
17 community on the basis of the representatives' understanding of
18 the culture, history, burial beliefs, customs, and practices of
19 native Hawaiians in the region they each represent.



1 (b) Appointment of members to the councils shall be made
2 by the governor, in accordance with section 26-34 and
3 subsection (a), from lists for each council submitted by the
4 department and the office of Hawaiian affairs. Lists to fill
5 vacancies on the councils shall be submitted as follows:

6 (1) For vacancies attributable to the expiration of terms,
7 the list shall be submitted on the first business day
8 of December [~~prior to~~] before the expiration of the
9 terms, except as provided in subsection (c); and

10 (2) For a vacancy that occurs during a council
11 representative's term, the list shall be submitted
12 within thirty business days after the vacancy occurs,
13 except as provided in subsection (c).

14 (c) The department may submit any list to fill a vacancy
15 up to fifteen days after the office of Hawaiian affairs submits
16 its list for the same vacancy; provided that the failure of the
17 department to submit any list by any relevant deadline or
18 fifteen days after the office of Hawaiian affairs submits its
19 list, whichever occurs later, shall be construed as a waiver of
20 the department's right to submit a list.



1 (d) Notwithstanding section 26-34(b) or any other law to
2 the contrary, any council member whose term has expired may
3 continue in office as a holdover member until the member's
4 reappointment to a second term is confirmed or a successor is
5 nominated and appointed; provided that a holdover member shall
6 not hold office beyond the end of the fourth regular session of
7 the legislature following the expiration of the member's term of
8 office.

9 [~~(d)~~] (e) The department, in consultation with the
10 councils, office of Hawaiian affairs, representatives of
11 development and large landowner interests, and appropriate
12 Hawaiian organizations, such as Hui Malama I Na Kupuna O Hawai'i
13 Nei, shall adopt rules pursuant to chapter 91 necessary to carry
14 out the purposes of this section. The council members shall
15 serve without compensation, but shall be reimbursed for
16 necessary expenses incurred during the performance of their
17 duties. The councils shall be a part of the department for
18 administrative purposes.

19 [~~(e)~~] (f) The councils shall hold meetings and acquire
20 information as they deem necessary and shall communicate their
21 findings and recommendations to the department. The councils



1 may hold remote meetings pursuant to section 92-3.7.

2 Notwithstanding section 92-3, whenever the location and
3 description of burial sites are under consideration, the
4 councils may hold closed meetings. A majority of all members to
5 which each council is entitled shall constitute a quorum to do
6 business. Concurrence of a majority of the members present at a
7 meeting shall be necessary to make any action of a council
8 valid.

9 ~~[(f)]~~ (g) Department records relating to the location and
10 description of historic sites, including burial sites, if deemed
11 sensitive by a council or the Hawai'i historic places review
12 board, shall be confidential.

13 ~~[(g)]~~ (h) The councils shall:

- 14 (1) Determine the preservation or relocation of previously
15 identified native Hawaiian burial sites;
- 16 (2) Assist the department in the inventory and
17 identification of native Hawaiian burial sites;
- 18 (3) Make recommendations regarding appropriate management,
19 treatment, and protection of native Hawaiian burial
20 sites, and on any other matters relating to native
21 Hawaiian burial sites;



1 (4) Elect a chairperson for a four-year term who shall
2 serve for [~~not~~] no more than two consecutive terms;
3 and

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

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 began before its effective date.

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

12 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Island Burial Councils; Appointments; Holdover Members; Remote Meetings

Description:

Allows any burial council member whose term has expired to continue in office as a holdover member until the member's reappointment to a second term is confirmed or a successor is nominated and appointed. Prohibits holdover members from holding office beyond the end of the fourth regular session of the legislature following the expiration of the member's term of office. Allows burial councils to allow council members and the public to participate in meetings remotely, using interactive conference technology. Effective 7/1/3000. (SD1)

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

