

JAN 15 2025

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 iwi kupuna
2 (ancestral remains) hold profound spiritual and cultural
3 significance for Native Hawaiian people. The practice of malama
4 iwi kupuna (caring for ancestral remains) is an essential part
5 of Native Hawaiian traditions and is typically a kuleana
6 (responsibility) reserved for ohana (family). Native Hawaiian
7 burial beliefs, customs, and practices ensure that the remains
8 of ancestors are treated with the utmost respect and that their
9 spiritual connection to the land and their descendants is
10 honored.

11 The legislature further finds that island burial councils
12 play a critical role in preserving iwi kupuna and upholding
13 Native Hawaiian burial practices. While the membership of each
14 council currently includes representatives from specified
15 geographic regions, as well as representatives having
16 development and large property owner interests, the primary
17 criterion for regional representatives is an understanding of



1 Hawaiian culture and history and the burial beliefs, customs,
2 and practices of Native Hawaiians. However, no similar
3 criterion exists for landowner and developer representatives.

4 The legislature recognizes that to fully align the
5 composition of island burial council with Hawaiian values
6 related to malalma iwi kupuna, representatives of development
7 and property owner interests are not necessary members. The
8 inclusion of these representatives may detract from the
9 council's focus on the care and protection of iwi kupuna, which
10 is a deeply spiritual and cultural responsibility.

11 Accordingly, the purpose of this Act is to align the
12 composition of island burial councils with values related to
13 malama iwi kapuna by ensuring that the councils are composed
14 primarily of persons with a deep understanding of Native
15 Hawaiian cultural practices, removing the requirement for
16 representatives having development and large property owner
17 interests, and decreasing the overall composition of the island
18 burial councils.

19 SECTION 2. Section 6E-43.5, Hawaii Revised Statutes, is
20 amended by:

21 1. Amending subsection (a) to read as follows:



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



1 (2) The Maui/Lāna`i council shall include the following
2 geographic regions: Honua`ula, Lahaina, Wailuku,
3 Makawao, Hāna, and Lāna`i;

4 (3) The Moloka`i council shall include the following
5 geographic regions: West Moloka`i, Central Moloka`i,
6 East Moloka`i, and Kalawao;

7 (4) The O`ahu council shall include the following
8 geographic regions: Wai`ānae, `Ewa, Kona,
9 Ko`olaupoko, Ko`olauloa, and Waialua; and

10 (5) The Kaua`i/Ni`ihau council shall include the following
11 geographic regions: Waimea/Na Pali, Kōloa, Līhu`e,
12 Kawaihau, Hanalei, and Ni`ihau.

13 Regional representatives shall be selected from the Hawaiian
14 community on the basis of the representatives' understanding of
15 the culture, history, burial beliefs, customs, and practices of
16 native Hawaiians in the region they each represent."

17 2. By amending subsection (e) to read as follows:

18 "(e) The department, in consultation with the councils,
19 office of Hawaiian affairs, [~~representatives of development and~~
20 ~~large landowner interests,~~] and appropriate Hawaiian
21 organizations, such as Hui Malama I Na Kupuna O Hawai`i Nei,



1 shall adopt rules pursuant to chapter 91 necessary to carry out
2 the purposes of this section. The council members shall serve
3 without compensation, but shall be reimbursed for necessary
4 expenses incurred during the performance of their duties. The
5 councils shall be a part of the department for administrative
6 purposes."

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

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: *William J. Daley*
By Request



S.B. NO. 268

Report Title:

Office of Hawaiian Affairs Package; Burial Councils; Composition

Description:

Decreases the size of the Island Burial Councils from 9 to 7 members. Removes the requirement for the councils to include members having development and large property owner interests.

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