

STAND. COM. REP. NO. 209

Honolulu, Hawaii

FEB 11 2025

RE: S.B. No. 268
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 268 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Decrease the size of the Island Burial Councils from nine to seven members; and
- (2) Remove the requirement for the councils to include members having development and large property owner interests.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Association of Hawaiian Civic Clubs; Pu'uhonua o Wailupe; The Spoehr Foundation; Aha Moku O Maui, Lahaina Moku; and fifty-nine individuals.

Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that the public has a vital interest in the disposition of its interred persons, which is in the nature of a sacred trust for the benefit of all. Further, under the Hawaii



State Constitution, the State has a specific trust duty to protect Native Hawaiian cultural practices, including those related to malama iwi. The current law allowing up to three representatives of development and large landowner interests on each council, other than Molokai, which designates one landowner seat, does not align with the State's trust responsibility to protect traditional and cultural practices.

Your Committee further finds that culturally qualified individuals can apply independently through established nomination processes, ensuring that council members are selected based on their cultural expertise and commitment to preserving burial sites. By centering cultural knowledge and expertise, and removing the seats reserved for developer and landowner interests, this measure ensures that the councils can serve as representatives of Native Hawaiian cultural perspectives in the historic review process, as originally intended.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 268, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 268, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,


HERBERT RICHARDS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 268</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HWN, JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">1/28/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RICHARDS, III, Herbert M. "Tim" (C)	✓			
SAN BUENAVENTURA, Joy A. (VC)	✓			
IHARA, Jr., Les				✓
KEOHOKALOLE, Jarrett	✓			
DECORTE, Samantha	✓			
TOTAL	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes