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# 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 councils with Hawaiian values  
6 related to malama iwi kupuna, representatives of development and  
7 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 kupuna 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 as follows:

21 1. By amending subsection (a) to read:



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 representative~~  
9 ~~of development and large landowner interests.] The [remaining]  
10 council members shall represent the geographic regions  
11 identified in paragraphs (1) through (5). At all times, at  
12 least two of the regional representatives of each council shall  
13 have been appointed from a list of nominees submitted to the  
14 governor by the office of Hawaiian affairs, as provided under  
15 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/Lānaʻi council shall include the following  
2 geographic regions: Honuaʻula, Lahaina, Wailuku,  
3 Makawao, Hāna, and Lānaʻi;
- 4 (3) The Molokaʻi council shall include the following  
5 geographic regions: West Molokaʻi, Central Molokaʻi,  
6 East Molokaʻi, and Kalawao;
- 7 (4) The Oʻahu council shall include the following  
8 geographic regions: Waiʻānae, ʻEwa, Kona, Koʻolaupoko,  
9 Koʻolauloa, and Waialua; and
- 10 (5) The Kauaʻi/Niʻihau council shall include the following  
11 geographic regions: Waimea/Na Pali, Kōloa, Līhuʻe,  
12 Kawaihau, Hanalei, and Niʻihau.

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:

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



1 organizations, such as Hui Malama I Na Kupuna O Hawai'i Nei,  
2 shall adopt rules pursuant to chapter 91 necessary to carry out  
3 the purposes of this section. The council members shall serve  
4 without compensation, but shall be reimbursed for necessary  
5 expenses incurred during the performance of their duties. The  
6 councils shall be a part of the department for administrative  
7 purposes."

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 Statutory material to be repealed is bracketed  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

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



# S.B. NO. 268 S.D. 1

**Report Title:**

Office of Hawaiian Affairs Package; Burial Councils; Composition

**Description:**

Decreases the size of the Island Burial Councils from nine to seven members. Removes the requirement for the councils to include members having development and large property owner interests. (SD1)

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

