
A BILL FOR AN ACT

RELATING TO HAWAIIAN AFFAIRS.

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

1 SECTION 1. The legislature finds that the royal mausoleum,
2 also known as Mauna ‘Ala in ‘Ōlelo Hawai‘i, is the sacred resting
3 place of the ali‘i of the Kamehameha and Kalākaua dynasties,
4 among other high chiefs of Hawai‘i. This wahi pana holds deep
5 cultural, historical, and spiritual significance for Native
6 Hawaiians and the people of Hawai‘i. Mauna ‘Ala embodies the
7 mana of the ali‘i and the cultural practice of mālama iwi kūpuna,
8 expressing the enduring respect for the ancestors who shaped
9 Hawai‘i's history and identity.

10 Since its transfer to the department of land and natural
11 resources in 1967, Mauna ‘Ala has been maintained by the State.
12 However, the legislature finds that concerns have arisen from
13 Native Hawaiian organizations, the Ali‘i trusts, and cultural
14 descendants about ensuring that all management decisions uphold
15 traditional protocols, respect genealogical ties, and preserve
16 the sanctity of the site.



1 The legislature believes that a permanent body dedicated
2 exclusively to the protection and management of Mauna 'Ala will
3 provide the necessary cultural guidance, policy continuity, and
4 community oversight to safeguard the site for future
5 generations.

6 Accordingly, the purpose of this Act is to establish the
7 royal mausoleum working group under the department of land and
8 natural resources to ensure the respectful stewardship,
9 preservation, and appropriate management of the royal mausoleum,
10 or Mauna 'Ala, in accordance with Hawaiian cultural traditions
11 and values.

12 SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended
13 by adding a new section to be appropriately designated and to
14 read as follows:

15 "§6E- Royal mausoleum working group. (a) There is
16 established a working group to be known as the royal mausoleum
17 working group placed within the department for administrative
18 purposes. The working group shall create a potential management
19 policy independent of the department, except for budgetary,
20 fiscal, and personnel administration purposes, regarding the
21 royal mausoleum, also known as Mauna 'Ala.



1 (b) The working group shall consist of the following
2 voting members:

3 (1) One member chosen from the organizations listed in
4 paragraphs (4) through (9) and appointed by the
5 governor to serve as chairperson of the working group;

6 (2) One member appointed by the president of the senate
7 with direction from the senate standing committee with
8 primary jurisdiction over Hawaiian affairs;

9 (3) One member appointed by the speaker of the house of
10 representatives with direction from the house of
11 representatives standing committee with primary
12 jurisdiction over Hawaiian affairs;

13 (4) Five representatives of the ali'i trusts that have
14 founders interred at Mauna 'Ala; one each from
15 Kamehameha Schools, the Lili'uokalani Trust, the
16 Queen's Health Systems, the Kapi'olani Medical Center,
17 and the Lunalilo Trust;

18 (5) Four representatives of the royal societies; one each
19 from the Royal Order of Kamehameha I, 'Ahahui
20 Ka'ahumanu, Hale O Na Ali'i O Hawai'i 'Ahahui Po'o, and



- 1 the Daughters and Sons of Hawaiian Warriors
- 2 Māmakakaua;
- 3 (6) One representative from the Association of Hawaiian
- 4 Civic Clubs;
- 5 (7) One representative from an island burial council;
- 6 (8) Three members as follows:
- 7 (A) One lineal descendant representative of those
- 8 interred at Mauna 'Ala connected to the Kamehameha
- 9 dynasty;
- 10 (B) One lineal descendant representative of those
- 11 interred at Mauna 'Ala connected to the Kalakaua
- 12 dynasty; and
- 13 (C) One member who is a lineal descendant of High
- 14 Chief Ho'olulu and a member of the Ho'olulu Kahu
- 15 family, selected pursuant to a written process
- 16 established by the Ho'olulu 'ohana lineal
- 17 descendants; and
- 18 (9) One representative from the Daughters of Hawai'i.
- 19 (c) Members of the working group shall serve four-year
- 20 terms and may be reappointed thereafter to the working group.
- 21 Initial appointments shall be staggered, with half of the



1 members serving two-year terms to ensure continuity. Members
2 shall serve without compensation but may be reimbursed for their
3 actual and necessary expenses, including travel expenses,
4 incurred in the performance of their duties, subject to
5 legislative appropriation.

6 (d) The working group shall:

7 (1) Develop and implement a comprehensive management plan
8 for the protection, maintenance, and interpretation of
9 Mauna 'Ala, including all crypts, vaults, chapels,
10 structures, and the surrounding grounds;

11 (2) In consultation with Native Hawaiian organizations,
12 the ali'i trusts, lineal descendants, and kahu
13 families, establish protocols governing:

14 (A) Access by visitors, researchers, and
15 practitioners;

16 (B) Ceremonial and ritual practices;

17 (C) Curation and interment of remains; and

18 (D) Appointment, duties, and removal for cause of the
19 official kahu, curator, and caretaker of Mauna
20 'Ala, including continuity of traditional and
21 customary practices and, to the extent feasible



- 1 and consistent with safety and stewardship needs,
2 residential stewardship at Hale Ho'olulu;
- 3 (3) Advise and collaborate with the department and other
4 agencies regarding conservation, security,
5 infrastructure, and visitor management;
- 6 (4) Accept, receive, and expend gifts, grants, and
7 appropriations for purposes consistent with this
8 section;
- 9 (5) Engage the public, Native Hawaiian organizations, and
10 the ali'i trusts in education, outreach, and
11 consultation regarding Mauna 'Ala; and
- 12 (6) Submit a brief report of its findings and
13 recommendations, including any proposed legislation, a
14 summary of the condition of the site and the
15 activities of the working group, and financial
16 statements, to the legislature every six months
17 beginning in January and the final comprehensive
18 report shall be submitted sixty days prior to the
19 convening of the regular session of 2028; provided
20 that the reports shall also include:



- 1 (A) A summary of traditional and customary practices
2 identified under subsection (j);
- 3 (B) A description of any rules, protocols, or
4 decisions adopted that affected access or
5 practice, with the written findings required by
6 subsection (j); and
- 7 (C) A summary of contested cases requested and
8 resolved under subsection (i) including any
9 mitigation measures implemented to protect
10 traditional and customary practices (k), with
11 identifying personal information redacted as
12 appropriate.
- 13 (e) The working group shall comply with chapters 92 and
14 84. Each voting member shall disclose actual or reasonably
15 foreseeable conflicts of interest and shall recuse from
16 decision-making where required by chapter 84 or where
17 participation would create an appearance of undue influence.
18 The working group shall adopt bylaws addressing quorum, voting
19 procedures, and public participation consistent with this
20 section. Any member with a direct personal, familial, or a
21 pecuniary interest in a matter before the working group shall



1 disclose the interest and, upon a majority vote by the working
2 group, shall be recused from deliberation and voting on that
3 matter.

4 (f) The working group may employ an executive director and
5 other staff exempt from chapter 76, subject to legislative
6 appropriation. Any executive director employed under this
7 section shall report directly to the working group and
8 coordinate with the department to implement policies adopted by
9 the working group.

10 (g) The legislature shall appropriate sufficient funds to
11 support the operations of the working group, including
12 maintenance and cultural programming. The working group may
13 also receive private or federal funds to further its objectives.

14 (h) The working group may adopt rules pursuant to chapter
15 91 necessary to carry out the purposes of this section,
16 including rules relating to access, ceremonies, maintenance, and
17 the respectful treatment of human remains and artifacts.

18 (i) If any provision of this section, or the application
19 thereof to any person or circumstance, is held invalid, the
20 invalidity does not affect other provisions or applications of
21 the section that can be given effect without the invalid



1 provision or application, and to this end the provisions of this
2 section are severable.

3 (j) In adopting any rule, protocol, management plan, or
4 decision under this section, the working group shall protect all
5 rights customarily and traditionally exercised for cultural and
6 religious purposes to the extent feasible and shall not regulate
7 such rights out of existence. At least thirty days prior to
8 adopting any rule, protocol, or decision that may substantially
9 burden a traditional and customary practice, the working group
10 shall make written findings that:

11 (1) Identify the cultural, historical, and natural
12 resources at Mauna 'Ala that are the basis of the
13 practice, including the extent to which the practice
14 is exercised;

15 (2) Identify the identity and scope of the affected
16 practice and the persons or groups who exercise it;

17 (3) Evaluate the extent to which the proposed action will
18 affect or impair the practice; and

19 (4) Identify feasible measures, conditions, or
20 alternatives to reasonably protect the practice.



1 The working group shall provide advance public notice and a
2 reasonable opportunity to be heard before adopting any action
3 under this subsection.

4 (k) The working group shall provide reasonable notice and
5 an opportunity to be heard before taking any final action that
6 substantially burdens a traditional and customary practice or
7 that appoints, removes, or disciplines the official kahu,
8 curator, and caretaker.

9 Upon written request by a directly and substantially
10 affected lineal descendant or kahu family member received within
11 twenty days after notice of the proposed final action, the
12 working group shall conduct a contested case hearing pursuant to
13 chapter 91. A final decision and order shall be issued in
14 writing and shall include findings of fact and conclusions of
15 law. Judicial review shall be available pursuant to section
16 91-14.

17 (l) The department shall not appoint, designate,
18 recognize, or contract for any person to serve as kahu, curator,
19 and caretaker, or any substantially similar stewardship role for
20 Mauna 'Ala except as provided by the working group protocol
21 adopted pursuant to this section.



1 (m) For the purposes of this section:

2 "Hale Ho'olulu" means the on-site caretaker residence
3 historically associated with customary stewardship at Mauna 'Ala.

4 "Kahu family" means the lineal descendants of the
5 historically recognized kahu responsible for the customary care
6 of the burial and remains of nā Ali'i o Hawai'i and stewardship
7 of Mauna 'Ala, specifically Ho'olulu 'ohana lineal descendants
8 whose kuleana is associated with the secret burial of King
9 Kamehameha I as well as the kahu, curator, and caretaker duties
10 at Mauna 'Ala and Hale Ho'olulu.

11 "Lineal descendant" means a person who can document direct
12 descent from a person interred at Mauna 'Ala.

13 "Substantially burden" means to materially restrict,
14 condition, deny, penalize, or unreasonably interfere with the
15 exercise of a traditional and customary practice.

16 "Traditional and customary practice" means a practice
17 protected by article XII, section 7, of the Hawaii State
18 Constitution and established by Hawaiian usage within the
19 meaning of section 1-1 including cultural and religious access,
20 ceremony, malama iwi kupuna, and customary stewardship practices
21 at Mauna 'Ala.



1 "Working group" means the royal mausoleum working group
2 established under this section."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on September 9,
5 2129.



Report Title:

DLNR; Mauna 'Ala; Royal Mausoleum Working Group; Rules; Reports

Description:

Establishes a Royal Mausoleum Working Group within the Department of Land and Natural Resources to develop and implement policy for the preservation, operation, and outreach of Mauna 'Ala. Allows the Royal Mausoleum Working Group to make rules as necessary, employ staff, and receive private or federal funds. Requires the Royal Mausoleum Working Group to submit a brief report and a final comprehensive report to the Legislature. Requires the Legislature to appropriate sufficient funds to support the Royal Mausoleum Working Group. Effective 9/9/2129. (SD1)

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

