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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARK

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WAYS AND MEANS

Wednesday, February 25, 2026
10:57 AM

State Capitol, Conference Room 211 and Via Videoconference

In consideration of
SENATE BILL 3247, SENATE DRAFT 1
RELATING TO HAWAIIAN AFFAIRS

Senate Bill 3247, Senate Draft 1 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; and requires the Legislature to appropriate sufficient funds to support the Royal Mausoleum Working Group. **The Department of Land and Natural Resources (Department) provides the following comments.**

The Department's Division of State Parks (State Parks) has been working with the Ali'i Trusts since at least 2005 to more systematically care for all the structures at Mauna 'Ala and the surrounding landscape. These initial efforts were also supported by Association of Hawaiian Civic Clubs. These collaborations, most resulting from ongoing discussions at meetings and inspections at Mauna 'Ala, continued until 2014 when a Memorandum of Understanding was finalized to define the respective responsibilities of the Department and the following Ali'i Trusts: Lunalilo Trust; Queen Lili'uokalani Trust; the Queen's Health Systems; the Estate of Bernice Pauahi Bishop; the Charles Reed Bishop Trust; and the Abigail K. K. Kawānanakoa Foundation. The Caretaker at the time, William (Uncle Bill) Maioho, played a major role in initiating these collective efforts and guiding them through.

The Memorandum sets out the primary responsibilities of the Trusts, mostly over the tombs and crypts of their benefactors. State Parks is responsible for the grounds and other structures. Over the last 21 years, these joint efforts have made a significant difference in preserving these irreplaceable structures and their setting.

The Department appreciates the intent of this measure and the continued interest in ensuring long-term stewardship of Mauna 'Ala. At this early stage of discussion, the Department offers the following general comments and considerations:

1. The Department values the longstanding collaboration between State Parks and the Ali'i Trusts, which has provided an important framework for shared stewardship and preservation efforts at Mauna 'Ala.
2. Should a new Working Group structure be established, the Department believes it will be important to ensure clarity of roles and coordination with existing responsibilities and agreements currently in place.
3. The Department also notes that any new entity created to assume operational, staffing, or planning responsibilities would require sufficient resources and administrative support to carry out its duties effectively.
4. The Department recommends appropriations be made to cover salary and expenses related to the Working Group.
5. The Department also notes that rules are not normally adopted by working groups as they are typically advisory bodies rather than regulatory agencies. Their primary purpose is to study issues, gather stakeholder input and make recommendations to the legislature or state agencies.

The Department looks forward to continued discussion with the measure's introducers, the Ali'i Trusts, and other stakeholders regarding the most appropriate stewardship framework moving forward.

Mahalo for the opportunity to comment on this measure.



TESTIMONY IN SUPPORT OF SENATE BILL 3247 SD1
RELATING TO HAWAIIAN AFFAIRS

Senate Committee on Ways and Means
Hawai'i State Capitol

February 25, 2026

10:57 AM

Room 211

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means:

The Office of Hawaiian Affairs (OHA) provides **SUPPORT** for SB3247 SD1, which would establish a Royal Mausoleum Working Group within the Department of Land and Natural Resources (DLNR) to develop and implement policy for the preservation, operation, and outreach of Mauna 'Ala.

Mauna 'Ala (also known as the Royal Mausoleum State Monument) is a uniquely sacred wahi pana and the final resting place of Hawaiian royalty, including ali'i from the Kamehameha and Kalākaua dynasties. Historically, the care of Mauna 'Ala has been understood as a sacred lineal kuleana (responsibility), rooted in traditions that pre-date the State of Hawai'i. Since 1865, the majority of Mauna 'Ala kahu (curators) have been descendants of High Chief Ho'olulu and Hoapili, who were entrusted by Kamehameha I with the care of his remains, and whose descendants were later entrusted by the Kamehameha line to serve as kahu of Mauna 'Ala.

In 2024, DLNR's selection of a new Mauna 'Ala curator generated significant concern across the lāhui because the appointment was viewed as a departure from long-standing cultural practice. At the time, leaders of the royal societies and the Association of Hawaiian Civic Clubs requested to be included in the selection process to provide their vital cultural and historical insight but were ultimately left out.

The continuity of the care of Mauna 'Ala is a deeply sacred and important trust responsibility to Native Hawaiians, and it requires cultural 'ike (knowledge) of

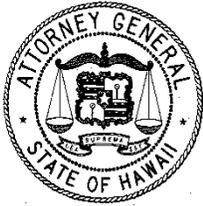
mo‘okūauhau (genealogy), protocol, and a spiritual kuleana that is transmitted intergenerationally and cannot be replicated through standard state management processes alone. Establishing a Royal Mausoleum Working Group that includes representation from the ali‘i trusts, royal societies, the Association of Hawaiian Civic Clubs, and lineal descendants, provides a culturally appropriate mechanism to help ensure that the continuity of care and cultural protocol are meaningfully considered in stewardship and decision-making for Mauna ‘Ala going forward.

OHA supports the proposed management structure of SB3247 SD1 and respectfully requests inclusion as a member of the Royal Mausoleum Working Group.

As the constitutionally established entity charged with protecting and promoting the rights of Native Hawaiians, OHA brings broad experience engaging with diverse Native Hawaiian communities, organizations, and state agencies through its advocacy efforts to help ensure the protection of wahi pana and iwi kūpuna. OHA’s participation would serve to augment the foundational perspectives of ali‘i trusts, royal societies, lineal descendants, and other cultural practitioners by providing a broad trust and consultation framework to support the culturally grounded stewardship of Mauna ‘Ala.

For the reasons stated above, OHA respectfully urges the committee to **PASS SB3247 SD1.**

Mahalo nui for the opportunity to testify on this critical issue.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 3247, S.D. 1, RELATING TO HAWAIIAN AFFAIRS.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 25, 2026 **TIME:** 10:57 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Alyssa-Marie Y.H. Kau,
Deputy Attorney General, at (808) 587-2992)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purpose of this bill is to establish a Royal Mausoleum Working Group (Working Group) within the Department of Land and Natural Resources (DLNR) to develop and implement policy for the preservation, operation, stewardship, and outreach of the Royal Mausoleum, also known as Mauna 'Ala. The bill authorizes the Working Group to adopt rules as necessary to carry out its duties, employ staff, and accept and expend private and federal funds. The bill further requires the Working Group to submit periodic brief reports and a final comprehensive report to the Legislature, and requires the Legislature to appropriate sufficient funds to support the operations of the Working Group.

I. Executive Branch Structure and Allocation of Authority

The bill describes the Working Group as an entity that shall "create a potential management policy independent of the department." Page 2, lines 18-19. Because DLNR is an executive branch principal department under article V, section 5, of the Hawai'i Constitution, and subject to the Governor's executive authority under article V, section 1, wording characterizing the Working Group as independent of DLNR while granting it binding management authority raises a question regarding the allocation of

executive authority. To the extent this bill reallocates discretionary management functions relating to the administration of state property from DLNR to the Working Group, clarification of the Working Group's placement within, and accountability to, the executive branch would help ensure consistency with the constitutional structure of executive oversight.

To address the Department's concerns, we recommend amending subsection (a) of the new section added to chapter 6E, Hawaii Revised Statutes (HRS), by section 2 of the bill on page 2, lines 15-21, to read (new material shown in bold) as follows:

(a) There is established a working group to be known as the royal mausoleum working group, which shall be placed within the department for administrative purposes[-] **only**. The working group shall ~~create a potential management policy independent of the department, except for budgetary, fiscal, and personnel administration purposes, regarding the royal mausoleum, also known as Mauna 'Ala.~~ **develop and adopt management policies governing the royal mausoleum, also known as Mauna 'Ala, in accordance with applicable law.**

II. **Contested Case Procedures Under Chapter 91, HRS**

The bill requires the Working Group to conduct contested case hearings pursuant to chapter 91, HRS, upon written request by a "directly and substantially affected" lineal descendant or kahu family member. Page 10, lines 9-13. The phrase "directly and substantially affected" is not defined, and in the context of Mauna 'Ala, numerous descendants, cultural practitioners, and organizations may plausibly assert that they are affected by access rules or cultural determinations. Without clearer limiting standards, the Working Group could be required to conduct repeated contested case hearings over policy decisions of general applicability, and we recommend that this provision be clarified along with the types of decisions that may be challenged.

III. **Article XII, Section 7, and the *Ka Pa'akai* Framework**

This bill establishes mandatory written findings whenever a rule, protocol, or decision may substantially burden a traditional and customary practice. Page 9, lines 3-20. The Hawai'i Supreme Court has articulated a specific framework under article XII,

section 7 of the Hawai'i Constitution to require agencies to identify protected practices, assess impacts, and consider mitigation when taking concrete actions that may affect those rights. *Ka Pa'akai o ka 'Āina v. Land Use Commission*, 94 Hawai'i 31, 47, 7 P.3d 1068, 1084 (2000). The *Ka Pa'akai* analysis is triggered in the context of specific agency actions that affect identified rights, typically in land use or permitting decisions. It does not apply in the abstract or absent a concrete agency action determining the legal rights, duties, or privileges of specific parties.

However, this bill applies broadly to the adoption of rules and policies of general applicability and may require findings even where no site-specific or adjudicatory action is at issue. In addition, the directive that the working group "shall protect" such rights to the extent feasible may be interpreted as constraining the balancing discretion recognized under article XII, section 7, jurisprudence. Because agencies are already constitutionally obligated to comply with article XII, section 7, and the *Ka Pa'akai* framework when taking concrete actions affecting traditional and customary rights and to avoid conflicting interpretations, the Department recommends deleting subsection (j) on page 9, line 3, through page 10, line 3, and relying on existing constitutional safeguards.

IV. Appropriation Wording

Subsection (g) of the new section added to chapter 6E by section 2 of this bill states that the "legislature shall appropriate sufficient funds to support the operations of the working group." Page 8, lines 10-12. Under article VII, section 5, of the Hawai'i Constitution, no public money may be expended except pursuant to appropriations made by law. Under article VII, section 8, of the Hawai'i Constitution, appropriations are enacted through the legislative budget process and remain within the discretion of each Legislature. As a matter of constitutional structure and legislative authority over public funds, one Legislature cannot bind a future Legislature to make a specific appropriation.

Accordingly, the Department recommends revising the funding wording in subsection (g) of the new section added to chapter 6E by section 2 of this bill on page 8, lines 10-13, to reflect that the Working Group's operations are subject to legislative

appropriation, rather than mandating that the Legislature appropriate funds (new material shown in bold):

(g) ~~[The legislature shall appropriate sufficient funds to support the operations of the working group, including maintenance and cultural programming.]~~ **Subject to legislative appropriation, the working group may carry out the purposes of this section. The working group may also receive private or federal funds [to further its objectives.]; provided that such funds shall be administered by the department in accordance with applicable law.**

Thank you for the opportunity to testify.



Kamehameha Schools®

Senate Committee on Ways and Means

Time: 10:57 a.m.

Date: February 25, 2026

Where: Conference Room 211

TESTIMONY

Kēhau Abad

Vice President, Uluhiwa

RE: SB3247 SD1, Relating to Hawaiian Affairs

Aloha e ka Luna Ho‘omalua Dela Cruz, ka Hope Luna Ho‘omalua Moriwaki, a me nā Lālā o ke Kōmike.

Kamehameha Schools appreciates this opportunity to **support SB3247 SD1**.

Kamehameha Schools cares deeply about the stewardship of Mauna ‘Ala, a most sacred wahi kapu housing the iwi of our Hawaiian Kingdom’s ruling sovereigns and their closest ‘ohana. The kuleana to mālama and kia‘i Mauna ‘Ala demands the highest standards from all who are entrusted with this sacred responsibility.

Our commitment to work with our lāhui and state partners to ensure that Mauna ‘Ala receives the care it deserves remains steadfast. We support the intent of the bill, to establish a commission dedicated to the protection and management of Mauna ‘Ala, and we welcome the opportunity to serve on the commission to help mālama this special place.

Founded in 1887 through the Will of Ke Ali‘i Bernice Pauahi Pākī Bishop, Ke Kula ‘o Kamehameha is a private, educational, charitable trust committed to empowering Native Hawaiians in perpetuity by improving the well-being of our people through education. We envision our haumāna, strong in E Ola!, grounded in Hawaiian and Christian values, succeeding in post-secondary education and contributing through ‘ōiwi leadership to a thriving and self-determined lāhui.



ROYAL ORDER OF KAMEHAMEHA I

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

SENATE BILL 3247 SD1 RELATING TO HAWAIIAN AFFAIRS

Wednesday, February 25, 2026, 10:57 AM
Conference Room 211

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committees.

On behalf of Ali'i Sir Alike Desha, Ali'i Nui of the Royal Order of Kamehameha I, Ali'i Sir Arthur Aiu, Ali'i Aimoku of Moku O Hawai'i Chapter 1, and the entire Royal Order, the Royal Order of Kamehameha I is in STRONG SUPPORT of Senate Bill 3247 SD1 Relating to Hawaiian Affairs and specifically to establishing a Royal Mausoleum Working Group within the Department of Land and Natural Resources (DLNR).

The Royal Order of Kamehameha I was established by King Kamehameha V in 1865 to honor his grandfather King Kamehameha I. Today, the organization continues to guard, maintain, and preserve the rituals and the memory of the ruling Chiefs of Hawai'i.

When established, the Royal Mausoleum Working Group would assist to develop and implement policy for the preservation, operation, and outreach of Mauna 'Ala in consultation with Native Hawaiian organizations including the Royal Order. This would go a long way to establishing proper protocols governing access by visitors, researchers and practitioners, ceremonial and ritual practices, curation and interment of remains, and a succession plan for the selection of an official *Kahu* to ensure continuity of traditional

practices. This will raise the level of collaboration on such an important historical and cultural matter with the aim of being *pono*.

In summary, SB 3247 SD1 represents a thoughtful, culturally grounded approach to honoring and safeguarding one of Hawai'i's most sacred cultural sites. By creating an inclusive and knowledgeable Working Group positioned to guide Mauna 'Ala policy, this measure strengthens both cultural preservation and community stewardship for future generations.

For these reasons, the Royal Order of Kamehameha I respectfully urges the Committee to PASS SB 3247 SD1 as is.

Mahalo.

Ali'i Sir Keith Ridley

Kaka'olelo, Chapter 1

SB-3247-SD-1

Submitted on: 2/23/2026 8:05:34 PM

Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT SB3247 SD1

Dana Keawe

SB-3247-SD-1

Submitted on: 2/24/2026 12:03:52 AM

Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

3247 SB RELATING TO HAWAIIAN AFFAIRS.

SB-3247-SD-1

Submitted on: 2/24/2026 7:46:27 AM

Testimony for WAM on 2/25/2026 10:57:00 AM

Submitted By	Organization	Testifier Position	Testify
James Jay Kaleimamahu Crowningburg Maioho	Testifying for Ho'olulu Descendants, Spokesman. Lineal Kahu OF MAUNA ALA	Support	Written Testimony Only

Comments:

TESTIMONY OF JAMES J. MAIOHO KIA'I IWI ALAKA'I

**Before the Senate Committee on Ways and Means
SB 3247 SD1 — Relating to Hawaiian Affairs**

Date: February 25, 2026

Time: 11:00 am

Location: Hawaii State Capitol, room 211

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

KIA'I IWI ALAKA'I respectfully submits this testimony in strong support of SB 3247 SD1, which advances a culturally appropriate and community-informed governance structure for the stewardship of Mauna 'Ala, the Royal Mausoleum, and Hale Ho'olulu.

Purpose of the Measure

As reflected in the Standing Committee Report, this measure responds to longstanding concerns expressed by cultural practitioners, ali'i trusts, and Native Hawaiian organizations and community regarding the State's management of Mauna 'Ala since its transfer in 1967. These concerns include the integration of traditional practices, the protection of lineal descendant kuleana, and the need for culturally grounded stewardship.

SB 3247 SD1 addresses these matters by establishing a Royal Mausoleum Working Group tasked with developing criteria and potential management structures to ensure long-term, culturally respectful stewardship.

Support for the Approach in SD1

KIA AND Ho'olulu Ohana supports SB 3247 SD1 for the following reasons:

1. Creation of a Royal Mausoleum Working Group

The amended bill replaces the earlier proposed commission with a working group to develop criteria for an oversight entity and to consider a management policy that may

function independently from the Department of Land and Natural Resources (DLNR), except for fiscal and administrative matters. This thoughtful approach allows for meaningful consultation and ensures the final structure is culturally grounded.

2. Inclusion of Lineal Descendants and Kahu Family Representation

The measure appropriately restores and clarifies representation from lineal descendants connected to both the Kamehameha and Kalākaua dynasties and includes a lineal descendant of High Chief Ho‘olulu from the Ho‘olulu kahu family. This ensures that those with historical and genealogical ties have a direct voice in stewardship decisions.

3. Protection of Traditional and Customary Practices

The bill incorporates defined protections for cultural and religious rights, requires written findings when rules or actions may affect traditional practices, and prohibits DLNR from appointing a kahu or caretaker outside the Working Group’s established protocols. These safeguards are critical for ensuring the integrity of customary stewardship at Mauna ‘Ala.

4. Transparency, Accountability, and Good Governance

The measure requires compliance with Chapters 92 and 84, Hawai‘i Revised Statutes; establishes conflict-of-interest and recusal requirements; mandates public notice and opportunities to be heard; and provides for due-process protections. These provisions strengthen trust in the process and ensure responsible decision-making.

5. Clear Reporting and Implementation Requirements

The Working Group is directed to submit semiannual updates beginning January 2027 and a comprehensive final report prior to the 2028 Regular Session. This ensures continued legislative oversight and transparency throughout the development of the management framework.

Conclusion

SB 3247 SD1 takes an important and necessary step toward honoring the cultural, historical, and spiritual significance of Mauna ‘Ala. The measure reflects the input of lineal descendants, ali‘i trusts, practitioners, and community stakeholders, and it provides a pathway for stewardship that is culturally grounded, transparent, and accountable.

For these reasons, KIA expresses strong support for SB 3247 SD1 and urges the Committee to pass this measure.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

JAMES JKC Maioho

Lineal Kahu of Mauna Ala and Head of house of Kaleimamahu/Lunalilo and Ohana Ho‘olulu
Kia’i Iwi Alaka’i