



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

- S. February 21, 2024*
- T. February 28, 2024*
- U. March 20, 2024*
- V. March 27, 2024*
- W. April 17, 2024*
- X. May 1, 2024*
- Y. June 26, 2024*

III. New Business

- A. **Presentation:** Ea Hānau on Proposed 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices*
- B. **Action Item BAE #24-04:** To provide OHA support for a 2025 Bill for Increased Access and Protection of Traditional and Customary Birth Practices as Proposed by Ea Hānau*

C. Action Item BAE #24-05: Approval of the 2025 OHA Legislative Bill Package*

IV. Executive Session

A. Approval of Executive Session Minutes

- 1. October 13, 2021
- 2. February 1, 2022
- 3. February 8, 2022
- 4. February 15, 2022
- 5. March 22, 2022
- 6. March 29, 2022
- 7. April 12, 2022
- 8. December 12, 2022
- 9. March 1, 2023

V. Announcements

VI. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

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ACTION ITEM

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT October 30, 2024

BAE #24-05

Action Item Issue: Approval of the 2025 OHA Legislative Package

Prepared by: Kēhaulani Pu'u Oct 28, 2024
Kēhaulani Pu'u Date
Ka Pou Nui, Chief Operating Officer

Reviewed by: Everett Ohta Oct 28, 2024
Everett Ohta Date
Ka Paepae Puka Kūikawā, Interim General Counsel

Reviewed by: Stacy Ferreira Oct 28, 2024
Stacy K. Ferreira Date
Ka Pouhana, Chief Executive Officer

Reviewed by: Kaleihikina Akaka Oct 28, 2024
Kaleihikina Akaka Date
Luna Ho'omalua o ke Kōmike BAE
Chair, Committee on Beneficiary Advocacy and Empowerment

I. PROPOSED ACTION

Motion 1: OHA-1 - RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS

Approve the measure entitled OHA-1- RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS, to be included in the 2025 OHA Legislative Package, as provided in Attachment A.

Motion 2: OHA-2– RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

Approve the measure entitled OHA-2- RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES, to be included in the 2025 OHA Legislative Package, as provided in Attachment B.

Motion 3: OHA-3 – RELATING TO ISLAND BURIAL COUNCIL COMPOSITION

Approve the measure entitled OHA-3 RELATING TO ISLAND BURIAL COUNCIL COMPOSITION, to be included in the 2025 OHA Legislative Package, as provided in Attachment C.

Motion 4: Amending and Final Approval

Approve amending measures, as needed, to make appropriate technical, ministerial, non-substantive edits for style, clarity, consistency, and accuracy for final submission to the 2025 Legislative Session. This includes preamble language for framing and editorial purposes as needed, titles of measures for strategic and clarifying reasons, and labeling each measure for tracking.

Motion 5: Coordinated Community Advocacy

Approve OHA’s participation in 2025 coordinated community advocacy efforts in alignment with: 1) Hawai’i Revised Statutes §10 and §10H; 2) OHA’s mission and vision; 3) OHA’s Strategic Plan, Mana i Maui Ola’s three Strategic Foundations (‘Ohana, Mo‘omeheu, ‘Āina); 4) OHA’s Strategic Plan, Mana i Maui Ola’s four Strategic Directions (Educational Pathways, Health Outcomes, Quality Housing and Economic Stability); 5) Wai (BOT Series 2070) 6) Iwi Kūpuna (BOT Series 2080); 7) Previously approved Board position and resolutions; with the understanding that Administration will bring forward to the Committee on Beneficiary Advocacy and Empowerment (BAE) 2025 State Legislative matters in the normal course of established processes (e.g., matrices, position changes), in addition to informing BAE members, and the Board Trustees as a whole, regarding status of support(s) of community advocacy efforts.

II. ISSUES

Whether the Committee on Beneficiary Advocacy & Empowerment will approve the 2025 OHA Legislative Package, as provided in Attachments A-C.

III. DISCUSSION

A. 2025 OHA Legislative Package

OHA's Legislative Package includes its Legislative Schedule, Package Activities, comprised of OHA's proposed bills, and Non-Package Activities.

This year's package includes OHA's biennium budget bill (refer to Action Item BAE-RM #24-01), two bills intended to provide OHA's BOT with governance functionality to more effectively and efficiently carry out its kuleana in serving the Native Hawaiian Community, and one bill addressing the critical cultural sensitivity and timely responsiveness of caring for iwi kūpuna through proposed changes to the Island Burial Council composition. Non-package activities continue to include coordinated advocacy on issues affecting 1) Native Hawaiians; 2) direct impact on OHA; and 3) OHA's HRS mandates, vision, mission, and Strategic Plan.

Image 1. 2025 Legislative Schedule

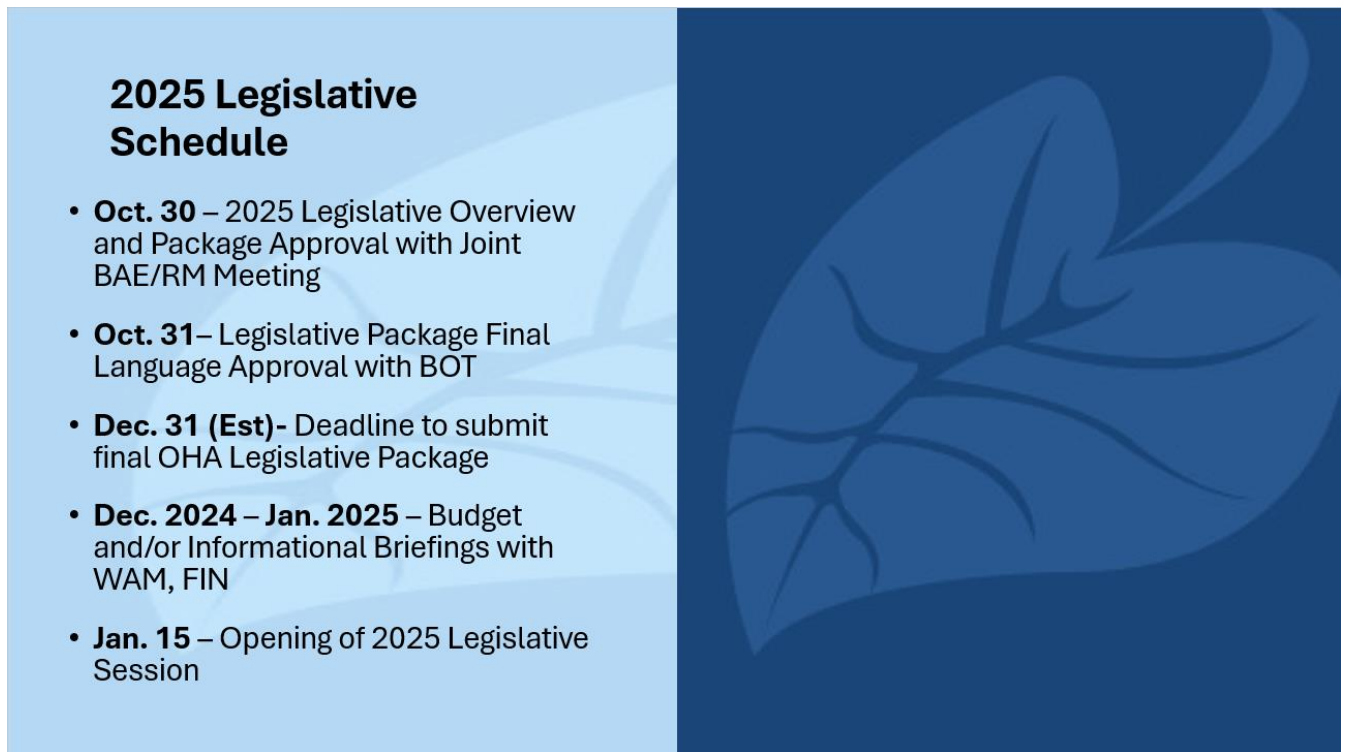


Image 2. 2025 Package Activities

OHA 2025 Legislative Package Activities

- **OHA-1:** RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS
- **OHA-2:** RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES
- **OHA-3:** RELATING TO ISLAND BURIAL COUNCIL COMPOSITION

Note: Biennium Budget Bill is also included as part of OHA's full legislative package.

Image 3. 2025 Non-Package Activities

OHA 2025 Legislative Non-Package Activities

- Monitoring and position recommendations on bills and resolutions
- Coordinated advocacy on issues affecting Native Hawaiians
 - Direct impact on OHA
 - Mauna'ala
 - Hakuone at Kaka'ako Makai
 - Other considerations
 - Midwifery Legislation
 - Red Hill Remediation Authority
- Lāhui issues aligned to OHA's Vision, Mission, MiMO Foundations (Ohana, Mo'omeheu, 'Āina), MiMO Strategic Directions (Education, Health Outcomes, Housing, Economic Stability), 'Āina, Wai, Iwi Kūpuna
- Partner with other advocates whose work intersects and aligns with OHA's efforts

B. OHA-1 - RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES' MEETING REQUIREMENTS

Image 4. Proposed Bill 1 (OHA-1)

Proposed Bill 1:

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS

- **Goal:** Provide Trustees with an efficient decision-making structure to act quickly in response to urgent needs and disparities faced by the Native Hawaiian community.
- **Proposed Change:** Exempt OHA from the Sunshine Law.
- **Recommended Legislation:** Amend HRS §10-8 to allow the Office of Hawaiian Affairs Board of Trustees to hold meetings without regard to Chapter 92, Hawaii Revised Statutes, also known as the “Sunshine Law.”
- **Rationale:**
 - **Legislative-Like Nature:** Like the State Legislature, OHA functions as a policymaking body with a unique mandate to advocate for the interests of Native Hawaiians. The legislature is exempt from the Sunshine Law, recognizing the need for flexible, dynamic decision-making outside of public constraints. OHA's functions, similarly, would benefit from the same flexibility.

Image 5. Proposed Bill 1 (OHA-1)

Proposed Bill 1:

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS

- **Rationale (Cont'd)**
 - **Policymaking and Advocacy:** OHA Trustees often engage in sensitive discussions involving legal strategies, negotiations with state and federal entities, and complex land matters. Just as legislators are permitted to hold private meetings to discuss policy strategies, exempting OHA from the Sunshine Law would allow Trustees to have candid, strategic discussions essential for effective governance of Native Hawaiian interests without prematurely disclosing information that could jeopardize negotiations or legal cases.
 - **Emergent and Constant Work Across the State and Need for Rapid Response:** OHA often addresses emergent issues affecting Native Hawaiians, such as land claims, cultural preservation, or funding for urgent community needs. The requirements of the Sunshine Law can slow down the decision-making process, delaying critical actions that may be time-sensitive. For example, responding quickly to a land sale or development project that affects Native Hawaiian cultural sites may require immediate deliberation that cannot wait for formal public notice.

Image 6. Proposed Bill 1 (OHA-1)

Proposed Bill 1:
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES MEETING REQUIREMENTS

• **Rationale (Cont'd)**

- **Statewide Operations and Coordination:** Trustees often need to work across islands and with different community stakeholders, including kūpuna, cultural practitioners, and legal experts. Requiring every meeting to be publicly noticed and open to public scrutiny can limit the ability of Trustees to coordinate effectively on statewide initiatives, where logistics, community sensitivities, and the timing of decisions are crucial.
- **Flexibility for Candid Deliberation, Strategic Planning Legal and Financial Matters:** OHA regularly deals with confidential matters involving its fiduciary responsibilities over the Native Hawaiian Trust Fund, which necessitates discussions about investments, legal negotiations, and potential litigation. Exempting OHA from the Sunshine Law would provide a necessary degree of confidentiality in financial and legal deliberations, similar to the protections given to the legislature.

Image 7. Proposed Bill 1 (OHA-1)

Proposed Bill 1:
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES MEETING REQUIREMENTS

▪ **Rationale (Cont'd)**

- **Internal Personnel and Governance Issues:** Just like other governing bodies, OHA needs the ability to deliberate on internal personnel matters, grievances, or sensitive governance issues privately. The Sunshine Law's requirements can hinder Trustees' ability to have frank discussions on these topics without fear of public misinterpretation or premature disclosure.
- **Proposed Safeguards for Transparency and Community Protection**
 - **Regular Public Reporting and Communication**
 - OHA commits to issuing regular public reports on its activities, decisions, and use of the Native Hawaiian Trust Fund. These reports should provide a summary of key issues discussed and decisions made, without compromising confidential or sensitive information.
 - Quarterly or semi-annual public forums could be held where Trustees provide updates on major initiatives, address community concerns, and answer questions about ongoing projects or policies.

Image 8. Proposed Bill 1 (OHA-1)

Proposed Bill 1:
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES MEETING REQUIREMENTS

- **Proposed Safeguards for Transparency and Community Protection (Cont'd)**
 - Similar to the legislative model, OHA could create rules to make certain types of discussions exempt while maintaining transparency for other matters. For example, deliberations on cultural matters, strategic planning, or ongoing negotiations could be exempt from public meetings, while discussions on grant awards, program outcomes, and non-sensitive budget matters would remain open.
 - Exemption could be applied selectively to specific subject matters (e.g., land negotiations, personnel issues) with clear criteria defining what constitutes a sensitive or confidential matter.

C. OHA-2– RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF
HAWAIIAN AFFAIRS BOARD OF TRUSTEES

Image 9. Proposed Bill 2 (OHA-2)

Proposed Bill 2:
RELATING TO THE SALARY COMMISSION FOR THE OFFICE
OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

- **Goal:** Grant the OHA BOT authority to create and implement its own independent salary commission and recommendations
- **Proposed Change:** Grant OHA BOT authority to appoint its salary commission members, set forth recommendations and remove the mechanism for legislative disapproval of salary recommendations.
- **Recommended Legislation:**
Amend HRS §10-9.5 to grant the Office of Hawaiian Affairs (OHA) Board of Trustees the authority to appoint the members of its salary commission, rather than the Governor.
- **Rationale:**
 - **Constitutional Independence of OHA:** The Office of Hawaiian Affairs (OHA) was established under the Hawai'i State Constitution as a unique, autonomous entity with a distinct mandate to serve the Native Hawaiian community. Unlike other state agencies, boards, and commissions, OHA is constitutionally set apart to manage the Native Hawaiian Trust Fund and advocate for the well-being of Native Hawaiians. Due to this distinct constitutional framework, OHA's operations and governance, including trustee compensation, should be determined internally and not be subjected to oversight mechanisms designed for general state entities.

Image 10. Proposed Bill 2 (OHA-2)

Proposed Bill 2:

RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

▪ Rationale (Cont'd)

- **Historical Neglect of the Salary Commission:** The law requires the Governor to convene an OHA Salary Commission to review and recommend compensation for Trustees. However, previous administrations have repeatedly neglected this duty, failing to convene the OHA Salary Commission on multiple occasions over the past decade. This political mismanagement has left OHA Trustees among the lowest paid elected officials in Hawai'i, despite their year-round work. The failure of past administrations to convene the OHA Salary Commission demonstrates that the current process is unreliable and insufficient for addressing the unique needs of OHA. Allowing OHA the authority to establish an independent salary commission would remedy these delays and ensure that trustee compensation is reviewed and updated in a timely and fair manner.

Image 11. Proposed Bill 2 (OHA-2)

Proposed Bill 2:

RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

▪ Rationale (Cont'd)

- **Disparity in Compensation:** Currently, OHA Trustees receive an annual salary of \$58,560, with the Chair receiving \$66,768. These salaries are significantly lower than those of other state officials. For example, legislators, who serve part-time, receive \$72,348, while Honolulu City Council Members earn \$113,304 annually. The Governor and the Chief Justice earn even higher salaries at \$184,860 and \$246,120, respectively. This demonstrates disparity in compensation, particularly for full-time trustees with significant responsibilities. An autonomous salary commission specific to OHA would allow for compensation that accurately reflects the year-round work and importance of trusteeship.

Image 12. Proposed Bill 2 (OHA-2)

Proposed Bill 2:

RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

▪ Rationale (Cont'd)

- **Year-Round Responsibilities of Trustees:** OHA Trustees work year-round. Despite this, OHA Trustees are compensated at lower rates, creating inequities in compensation for the workload involved. As fiduciaries of the trust, the current salary structure does not accurately reflect the demands and responsibilities that come with being an OHA Trustee, including managing a multi-million-dollar trust and addressing the needs of the Native Hawaiian community.
- **Fairness, Transparency, and Accountability:** An independent OHA salary commission would be designed with the specific needs and goals of OHA in mind. It would be guided by principles of fairness, transparency, and accountability, ensuring that compensation decisions are made in a manner that is equitable and reflects the true fiduciary responsibilities of OHA Trustees. This would also ensure that salary determinations are based on appropriate benchmarks, allowing for a more transparent and just process.

Image 13. Proposed Bill 2 (OHA-2)

Proposed Bill 2:

RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

▪ Rationale (Cont'd)

- **Trust Fund Independence:** OHA Trustees' salaries are not paid through the State's general funds but from the Native Hawaiian Trust Fund. This financial separation underscores OHA's distinct nature and highlights that trustee compensation should not be subject to the same oversight as other state-funded boards and commissions. OHA's independence in this area would promote greater efficiency and transparency in how these funds are utilized.

D. OHA-3– RELATING TO ISLAND BURIAL COUNCIL COMPOSITION

Image 14. Proposed Bill 3 (OHA-3)

Proposed Bill 3: RELATING TO ISLAND BURIAL COUNCIL COMPOSITION

- **Goal:** Better align Island Burial Council (IBC) composition with Hawaiian values related to *mālama iwi kūpuna* by ensuring councils are composed primarily of individuals with a deep understanding of Hawaiian cultural practices, who in the absence of identified descendants, truly act as next of kin, on behalf of deceased's 'ohana.
- **Proposed Change:** Remove representatives of development and large property owners from IBC membership.
- **Recommended Legislation:**
 - Amend HRS §6E-43.5 to eliminate representatives of development and large property owner interests as council members.
- **Rationale:**
 - The statutory authority of IBCs is based on Common Law regarding the rights to disposition of a body belonging to the "next of kin" or 'ohana. This is the role of the geographical region members. Developers and large landowner interests are not as next of kin, but are pecuniary in nature, and are well represented throughout the process via consultants, archaeologists, planners, and attorneys, and a built-in process which allows for reconsideration of council decisions, contested cases, and appeals in court.

E. Coordinated Advocacy

As noted in Image 3- Non-Package Activities, Administration continues its work with community on issues affecting Native Hawaiians, including measures that have direct impact on OHA, Lāhui issues aligned to OHA's vision, mission, MiMO foundations, MiMO strategic directions, wai, and iwi kūpuna. Advocacy actions and positions, if necessary, are also aligned to previous Board positions and resolutions.

Coordinated advocacy occurs with community-based networks such as the Association of Hawaiian Civic Clubs, Council for Native Hawaiian Advancement, Kamehameha Schools Legislative Hui, as examples.

Coordinated advocacy is led, initiated, coordinated and facilitated by the Advocacy Paia with support from Strategy & Implementation, Research and Evaluation, Community Engagement, Land Assets, and Financial Services.

F. Monitoring and Position Recommendations, BAE Processes.

Administration will be working with BAE leadership to improve the efficiency and effectiveness of the tools used to inform and bring forward recommendations to the BAE Committee, including considerations for how matrices are presented, timing of information provided, and utilization of coordinated advocacy networks to inform recommendations.

IV. RECOMMENDED ACTIONS

Action 1: OHA-1 - RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS

Approve the measure entitled OHA-1- RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS, to be included in the 2025 OHA Legislative Package, as provided in Attachment A.

Action 2: OHA-2– RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

Approve the measure entitled OHA-2- RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES, to be included in the 2025 OHA Legislative Package, as provided in Attachment B.

Action 3: OHA-3 – RELATING TO ISLAND BURIAL COUNCIL COMPOSITION

Approve the measure entitled OHA-3 RELATING TO ISLAND BURIAL COUNCIL COMPOSITION, to be included in the 2025 OHA Legislative Package, as provided in Attachment C.

Action 4: Amending and Final Approval

Approve amending measures, as needed, to make appropriate technical, ministerial, non-substantive edits for style, clarity, consistency, and accuracy for final submission to the 2025 Legislative Session. This includes preamble language for framing and editorial purposes as needed, titles of measures for strategic and clarifying reasons, and labeling each measure for tracking.

Action 5: Coordinated Community Advocacy

Approve OHA’s participation in 2025 coordinated community advocacy efforts in alignment with: 1) Hawai’i Revised Statutes §10 and §10H; 2) OHA’s mission and vision; 3) OHA’s Strategic Plan, Mana i Maui Ola’s three Strategic Foundations (‘Ohana, Mo‘omeheu, ‘Āina); 4) OHA’s Strategic Plan, Mana i Maui Ola’s four Strategic Directions (Educational Pathways, Health Outcomes, Quality Housing and Economic Stability); 5) Wai (BOT Series 2070) 6) Iwi Kūpuna (BOT Series 2080); 7) Previously approved Board position and resolutions; with the understanding that Administration will bring forward to the Committee on Beneficiary Advocacy and Empowerment (BAE) 2025 State Legislative matters in the normal course of established processes (e.g., matrices, position changes), in addition to informing BAE members, and the Board Trustees as a whole, regarding status of support(s) of community advocacy efforts.

V. ALTERNATIVE ACTIONS

- A. Modify or not include OHA-1- RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS as part of the 2025 OHA legislative package.
- B. Modify or not include OHA-2- RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES, as part of the 2025 OHA legislative package.
- C. Modify or not include OHA-3 RELATING TO ISLAND BURIAL COUNCIL COMPOSITION, as part of the 2025 OHA legislative package.
- D. Modify or not approve OHA's participation in coordinated advocacy efforts.

VI. FUNDING & CHIEF FINANCIAL OFFICER CERTIFICATION

No funding is required to approve the 2025 OHA Legislative Package.

VII. TIMEFRAME

Immediate action is recommended upon Board approval to meet the State Legislative submission deadline estimated to be December 31, 2024.

VIII. ATTACHMENTS

- A. OHA-1- RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES MEETING REQUIREMENTS
- B. OHA-2 – RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES
- C. OHA-3 RELATING TO ISLAND BURIAL COUNCIL COMPOSITION

THIRTY-FOURTH LEGISLATURE, 2025
STATE OF HAWAI'I

____.B. NO._____

A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES'
MEETING REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The legislature finds that the Office of
Hawaiian Affairs was established under the Constitution of the
State of Hawai'i as a unique, autonomous entity with a mandate
to serve the Native Hawaiian people and manage the Native
Hawaiian Trust Fund. The Office of Hawaiian Affairs operates
separately from the executive, legislative, and judicial
branches of government, managing significant Native Hawaiian
assets and advocating for the well-being of Native Hawaiians.
The Office of Hawaiian Affairs faces urgent tasks such as
addressing significant disparities experienced by Native
Hawaiians, including homelessness, healthcare inequities,
overrepresentation in the criminal justice system, and economic
out-migration. These pressing issues require prompt and
efficient decision-making, which can be hindered by the
procedural requirements of chapter 92, Hawai'i Revised Statutes,
commonly referred to as the state Sunshine Law.

____.B. NO. _____

1 The legislature finds that both the legislature and the
2 Board of Trustees of the Office of Hawaiian Affairs share
3 similar decision-making responsibilities in determining
4 policies, budgets, and strategic directions that directly impact
5 the people of Hawai'i. The legislature plays a vital role in
6 advancing the general welfare of the people of Hawai'i, while
7 the Office of Hawaiian Affairs is the principal agency
8 responsible for addressing the unique needs of Native Hawaiians,
9 including resource management and advocacy for self-governance
10 and economic development. Given the similarities in these roles,
11 the Board of Trustees of the Office of Hawaiian Affairs requires
12 similar operational flexibility as the legislature to ensure
13 effective governance and timely decision-making. Exempting the
14 Board of Trustees of the Office of Hawaiian Affairs from the
15 state Sunshine Law will enable the Board to deliberate
16 efficiently on sensitive cultural, political, and economic
17 matters without the constraints that delay action, thereby
18 allowing the Office of Hawaiian Affairs to act with the agility
19 required to manage the Native Hawaiian Trust and fulfill its
20 fiduciary responsibilities while continuing to maintain
21 transparency through other accountability measures, such as
22 public reporting on financial stewardship and program outcomes.

1 The purpose of this Act is to allow the Board of Trustees
2 of the Office of Hawaiian Affairs to hold meetings without
3 regard to chapter 92, Hawai'i Revised Statutes.

4 SECTION 2. Section 10-8, Hawai'i Revised Statutes, is
5 amended to read as follows:

6 "\$10-8 Organization; quorum; meeting.

7 The Board, at its first meeting after an election, shall
8 elect from its own membership a chairperson and a vice-
9 chairperson who shall serve at the pleasure of the Board. Their
10 election shall be immediately certified by the Board to the
11 lieutenant governor.

12 A majority of all members to which the Board is entitled
13 shall constitute a quorum to do business. The concurrence of a
14 majority of all members to which the Board is entitled shall be
15 necessary to make any action of the Board valid; provided that
16 due notice shall be given to all members.

17 Meetings shall be called and held at the call of the chair
18 or by a quorum, as often as may be necessary for the transaction
19 of the Board's business. The Board shall meet at least once
20 annually on each of the islands of Hawai'i, Maui, Moloka'i,
21 Lāna'i, Kaua'i, and O'ahu. Meetings may be held without regard
22 to chapter 92.

____.B. NO. _____

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

5 INTRODUCED BY: _____

By Request

THIRTY-FOURTH LEGISLATURE, 2025
STATE OF HAWAII

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE SALARY COMMISSION FOR THE OFFICE OF HAWAIIAN
AFFAIRS BOARD OF TRUSTEES.

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

1 SECTION 1: The legislature finds that the Office of
2 Hawaiian Affairs was established by the 1978 Constitutional
3 Convention as a public trust with mandates to better the
4 conditions of Native Hawaiians and the Native Hawaiian community
5 in general. The legislature further enacted Chapter 10 of the
6 Hawai'i Revised Statutes to define the Office of Hawaiian
7 Affairs as a semi-autonomous self-governing body to address the
8 needs of the aboriginal class of people of Hawai'i.

9 The legislature also finds that Hawaiians' ability to
10 maintain governance over their own affairs, including the agency
11 primarily charged with their betterment, strengthens and
12 improves the community's identity which has an impact on
13 Hawaiians' overall health and well-being.

14 The legislature further finds that when authority of Office
15 of Hawaiian Affairs Trustees' salaries is entrusted to another
16 body, it dilutes the legislative intent made clear in 1978 and

1 1979 that the Office of Hawaiian Affairs be a self-governing
2 body.

3 The Legislature further finds that the Trustees of the
4 Board of Trustees are currently among the lowest-paid elected
5 officials in Hawai'i, despite their year-round responsibilities
6 and fiduciary obligations. Salaries for Trustees are funded from
7 the Native Hawaiian Trust Fund, rather than the state general
8 fund that is overseen by the legislature. The existing process
9 for convening a salary commission has been neglected, leading to
10 inequities in trustee compensation relative to other elected
11 officials. The Office of Hawaiian Affairs requires a streamlined
12 process that allows for timely and fair adjustments to trustee
13 salaries. These changes are necessary to ensure that Trustees of
14 the Office of Hawaiian Affairs have a compensation process that
15 reflects their unique fiduciary responsibilities and enhances
16 operational efficiency.

17 The purpose of this Act is to grant the Board of Trustees
18 of the Office of Hawaiian Affairs the authority to appoint the
19 members to the salary commission established by section 10-9.5,
20 Hawai'i Revised Statutes, and to remove the mechanism for
21 legislative disapproval of the salary recommendations.

____.B. NO. _____

SECTION 2. Section 10-9.5, Hawai'i Revised Statutes, is amended to read as follows:

§10-9.5 Salary commission; established.

(a) There is established a salary commission for the members of the Board of Trustees for the Office of Hawaiian Affairs. The salary commission shall consist of seven members appointed by the ~~[governor]~~ Board of Trustees on or before ~~[August 31, 1999]~~ August 31, 2025, and every four years thereafter. The members of the salary commission shall be selected from nominations submitted by native Hawaiian organizations as defined in section 673-2(c). The members shall serve without compensation but shall be entitled to reimbursement for necessary expenses while in the discharge of their duties and responsibilities.

(b) Before the twentieth legislative day of the regular session of ~~[2000]~~ 2025 and every four years thereafter, the salary commission shall study and make recommendations for the salary of the members of the Board of Trustees for the Office of Hawaiian Affairs, and then shall be dissolved. The recommended salary shall be effective as of the date of the recommendations unless the ~~[legislature]~~ Board of Trustees disapproves and rejects the recommendation by a two-thirds vote of the Board of Trustees' entire membership ~~[by adoption of a concurrent~~

____.B. NO. _____

1 ~~resolution prior to adjournment sine die of the legislative~~
2 ~~session in which the recommendation is submitted].~~

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

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

INTRODUCED BY: _____

By Request

THIRTY-FOURTH LEGISLATURE, 2025
STATE OF HAWAII

____.B. NO.____

A BILL FOR AN ACT

RELATING TO BURIAL COUNCIL COMPOSITION.

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

SECTION 1. The Legislature finds that iwi kūpuna (ancestral remains) hold profound spiritual and cultural significance for the Native Hawaiian people. The practice of mālama iwi kūpuna (caring for ancestral remains) is an essential part of Native Hawaiian traditions, typically a kuleana (responsibility) reserved for 'ohana (family). Native Hawaiian burial beliefs, customs, and practices ensure that the remains of ancestors are treated with the utmost respect, and that their spiritual connection to the land and their descendants is honored.

The Legislature further finds that island burial councils play a critical role in preserving iwi kūpuna and upholding Native Hawaiian burial practices. While the membership of each council currently includes representatives from specified geographic regions, as well as representatives of development and large property owner interests, the primary criteria for regional representatives is an understanding of Hawaiian culture, history, burial beliefs, customs, and practices of

1 Native Hawaiians. In contrast, no such criteria exist for
2 landowner and developer representatives.

3 The Legislature further finds that in order to fully align
4 island burial council compositions with Hawaiian values related
5 to mālama iwi kūpuna, representatives of development and large
6 property owner interests are not necessary. The inclusion of
7 such representatives may detract from the council's focus on the
8 care and protection of iwi kūpuna, which is a deeply spiritual
9 and cultural responsibility.

10 The purpose of this Act is to align island burial council
11 composition with values related to mālama iwi kūpuna by ensuring
12 that the councils are composed primarily of individuals with a
13 deep understanding of Native Hawaiian cultural practices by
14 removing the requirement for representatives of development and
15 large property owner interests and decreasing the overall
16 composition of the island burial councils.

17 SECTION 2. Section 6E-43.5, Hawai'i Revised Statutes, is
18 amended to read as follows:

19 **§6E-43.5** Island burial councils; creation; appointment;
20 composition; duties.

21 (a) There shall be established within the department five
22 island burial councils, one each for Hawai'i, Maui/Lāna'i,

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1 Moloka'i, O'ahu, and Kaua'i/Ni'ihau, to implement section 6E-
2 43. Each council shall consist of [~~nine~~] seven members, except
3 the Moloka'i council, which shall consist of five members.
4 [~~Each council shall consist of no more than three~~
5 ~~representatives of development and large landowner interests;~~
6 ~~provided that the Moloka'i council shall consist of no more~~
7 ~~than one representative of development and large landowner~~
8 ~~interests.]~~ The [~~remaining~~] council members shall represent
9 geographic regions identified in paragraphs (1) through (5).
10 At all times, at least two of the regional representatives of
11 each council shall have been appointed from a list of nominees
12 submitted to the governor by the Office of Hawaiian Affairs,
13 as provided under subsection (b). Each council shall include
14 at least one representative for each geographic region
15 identified as follows:

16 (1) The Hawai'i council shall include the following
17 geographic regions: Kohala, Kona, Ka'ū, Puna, Hilo, and
18 Hāmākua;

19 (2) The Maui/Lāna'i council shall include the following
20 geographic regions: Honua'ula, Lahaina, Wailuku,
21 Makawao, Hāna, and Lāna'i;

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

(4) The O'ahu council shall include the following geographic regions: Wai'anae, 'Ewa, Kona, Ko'olaupoko, Ko'olaupoko, and Waialua; and

(5) The Kaua'i/Ni'ihau council shall include the following geographic regions: Waimea/Nā Pali, Kōloa, Līhu'e, Kawaihau, Hanalei, and Ni'ihau.

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

(b) Appointment of members to the councils shall be made by the governor, in accordance with section 26-34, and subsection (a), from lists submitted by the department and the Office of Hawaiian Affairs. Lists to fill vacancies on the councils shall be submitted as follows:

(1) For vacancies attributable to the expiration of terms, the list shall be submitted on the first business

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1 day of December before the expiration of the terms,
2 except as provided in subsection (c); and

3 (2) For a vacancy that occurs during a council
4 representative's term, the list shall be submitted
5 within thirty business days after the vacancy occurs,
6 except as provided in subsection (c).

7 (c) The department may submit any list to fill a vacancy up
8 to fifteen days after the Office of Hawaiian Affairs submits
9 its list for the same vacancy; provided that the failure of
10 the department to submit any list by any relevant deadline or
11 fifteen days after the Office of Hawaiian Affairs submits its
12 list, whichever occurs later, shall be construed as a waiver
13 of the department's right to submit a list.

14 (d) Notwithstanding section 26-34(b) or any other law to the
15 contrary, any council member whose term has expired may
16 continue in office as a holdover member until the member's
17 reappointment to a second term is confirmed or a successor is
18 nominated and appointed; provided that a holdover member
19 shall not hold office beyond the end of the fourth regular
20 session of the legislature following the expiration of the
21 member's term of office.

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1 (e) The department, in consultation with the councils,
2 Office of Hawaiian Affairs, [~~representatives of development~~
3 ~~and large property owner interests~~], and appropriate Hawaiian
4 organizations, such as Hui Mālama I Nā Kūpuna O Hawai'i Nei,
5 shall adopt rules pursuant to chapter 91 necessary to carry
6 out the purposes of this section. The council members shall
7 serve without compensation but shall be reimbursed for
8 necessary expenses incurred during the performance of their
9 duties. The councils shall be a part of the department for
10 administrative purposes. The councils shall hold meetings and
11 acquire information as they deem necessary and shall
12 communicate their findings and recommendations to the
13 department. Notwithstanding section 92-3, whenever the
14 location and description of burial sites are under
15 consideration, the councils may hold closed meetings. A
16 majority of all members to which each council is entitled
17 shall constitute a quorum to do business. Concurrence of a
18 majority of the members present at a meeting shall be
19 necessary to make any action of a council valid.

20 (f) Department records relating to the location and
21 description of historic sites, including burial sites, if

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1 deemed sensitive by a council or the Hawai'i historic places
2 review board, shall be confidential.

3 (g) The councils shall:

4 (1) Determine the preservation or relocation of
5 previously identified native Hawaiian burial sites;

6 (2) Assist the department in the inventory and
7 identification of native Hawaiian burial sites;

8 (3) Make recommendations regarding appropriate
9 management, treatment, and protection of native Hawaiian
10 burial sites, and on any other matters relating to native
11 Hawaiian burial sites;

12 (4) Elect a chairperson for a four-year term who shall
13 serve for no more than two consecutive terms; and

14 (5) Maintain a list of appropriate Hawaiian
15 organizations, agencies, and offices to notify regarding
16 the discovery of remains.

17 SECTION 3. Statutory material to be
18 repealed is bracketed and stricken. New statutory material
19 is underscored.

20 SECTION 4. This Act shall take effect upon
21 its approval.
22

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INTRODUCED BY: _____

By Request