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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 the protection of  
2        iwi kupuna (ancestral remains) is a matter of utmost cultural  
3        and historical importance. Island burial councils play a  
4        critical role in safeguarding burial sites and advising the  
5        department of land and natural resources in decisions affecting  
6        Native Hawaiian ancestral remains. However, the effectiveness  
7        of the councils has been limited by persistent vacancies,  
8        uncompensated service, and insufficient staff support. These  
9        challenges are particularly severe on less populated islands,  
10       where councils often fail to meet quorum, preventing lineal and  
11       cultural descendants from having a meaningful voice in decisions  
12       about the treatment of iwi kupuna and exercising their right to  
13       self-determination. Council members are further required to  
14       attend lengthy meetings and engage in consultations for  
15       inadvertent discoveries within their moku (region), adding to  
16       these constraints.



1       The legislature further finds that these constraints  
2   undermine the councils' capacity to fulfill their statutory  
3   responsibilities, delay decision making, and frustrate Native  
4   Hawaiian families and communities who seek the respectful  
5   treatment of iwi kupuna.

6       Accordingly, the purpose of this Act is to strengthen the  
7   island burial councils by:

- 8           (1) Extending the time to fill vacancies that occur during  
9           a council member's term;
- 10          (2) Providing per diem compensation in the form of a  
11           stipend for council members representing geographic  
12           regions to improve recruitment and retention; and
- 13          (3) Revising the councils' quorum for business to be a  
14           majority of the appointed council members.

15       SECTION 2. Section 6E-43.5, Hawaii Revised Statutes, is  
16   amended as follows:

- 17          1. By amending subsection (b) to read as follows:  
18           "(b) Appointment of members to the councils shall be made  
19           by the governor, in accordance with section 26-34 and  
20           subsection (a), from lists for each council submitted by the



1 department and the office of Hawaiian affairs. Lists to fill  
2 vacancies on the councils shall be submitted as follows:

3 (1) For vacancies attributable to the expiration of terms,  
4 the list shall be submitted on the first business day  
5 of December before the expiration of the terms, except  
6 as provided in subsection (c); and

7 (2) For a vacancy that occurs during a council  
8 representative's term, the list shall be submitted  
9 within [~~thirty business~~] seventy-five calendar days  
10 after the vacancy occurs, except as provided in  
11 subsection (c)."

12 2. By amending subsections (e) and (f) to read as follows:

13 "(e) The department, in consultation with the councils,  
14 office of Hawaiian affairs, representatives of development and  
15 large landowner interests, and appropriate Hawaiian  
16 organizations, such as Hui Malama I Na Kupuna O Hawai`i Nei,  
17 shall adopt rules pursuant to chapter 91 necessary to carry out  
18 the purposes of this section. The council members shall serve  
19 without [~~compensation,~~] salary, but shall be reimbursed for  
20 necessary expenses incurred during the performance of their  
21 duties. Council members appointed to represent geographic



1    regions may receive a stipend for attendance at a duly noticed  
2    council meeting through a process of application to the office  
3    of Hawaiian affairs. The stipend amount shall be determined and  
4    disbursed by the office of Hawaiian affairs. The councils shall  
5    be a part of the department for administrative purposes.

6                (f) The councils shall hold meetings and acquire  
7    information as they deem necessary and shall communicate their  
8    findings and recommendations to the department. Notwithstanding  
9    section 92-3, whenever the location and description of burial  
10   sites are under consideration, the councils may hold closed  
11   meetings. A majority of all members appointed to [which] each  
12   council ~~[is entitled]~~ shall constitute a quorum to do  
13   business~~[.]~~; provided that no fewer than three members shall  
14   constitute a quorum to do business. Concurrence of a majority  
15   of the members present at a meeting shall be necessary to make  
16   any action of a council valid."

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

H.B. NO. 2104

1 SECTION 4. This Act shall take effect on July 1, 2026.

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INTRODUCED BY:

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By Request

JAN 23 2026



# H.B. NO. 2104

**Report Title:**

Office of Hawaiian Affairs Package; Historic Preservation;  
Island Burial Councils

**Description:**

Establishes stipends for certain Island Burial Council members.  
Amends section 6E-43.5, Hawaii Revised Statutes, relating to  
quorum and compensation.

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

