
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) Adjusting the councils' quorum for business to be a
14 majority of the appointed council members, but no
15 fewer than three members.

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

18 1. By amending subsection (b) to read:

19 "(b) Appointment of members to the councils shall be made
20 by the governor, in accordance with section 26-34 and subsection
21 (a), from lists for each council submitted by the department and



1 the office of Hawaiian affairs. Lists to fill vacancies on the
2 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~~] member's term, the list shall be
9 submitted within [~~thirty-business~~] seventy-five
10 calendar days after the vacancy occurs, except as
11 provided in subsection (c)."

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

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 expenses actually incurred in
2 connection with attendance at a duly noticed council meeting,
3 subject to documentation requirements established by the office
4 of Hawaiian affairs and paid from funds available to the office
5 of Hawaiian affairs. The stipend amount shall be determined and
6 disbursed by the office of Hawaiian affairs. The councils shall
7 be a part of the department for administrative purposes.

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

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 Statutory material to be repealed is bracketed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



1 SECTION 4. This Act shall take effect on September 9,
2 2129.



Report Title:

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

Description:

Extends the time to fill vacancies that occur during an Island Burial Council member's term. Provides per diem compensation in the form of a stipend for Island Burial Council members representing geographic regions. Adjusts the Island Burial Councils' quorum for business to be a majority of the appointed council members, but no fewer than three members. Effective 9/9/2129. (SD1)

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