

JAN 23 2026

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.



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

2

INTRODUCED BY: 
By Request



S.B. NO. 2538

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.

