

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1196

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

June 5, 2026

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on June 5, 2026, the following bill was signed into law:

H.B. NO. 2104, H.D. 2, S.D. 1,
C.D. 1

RELATING TO ISLAND BURIAL COUNCILS.
ACT 096

Mahalo,

Josh Green, M.D.
Governor, State of Hawai'i

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 each day of attendance at a
2 duly noticed meeting, paid by the office of Hawaiian affairs.
3 The stipend amount, process, and eligibility requirements shall
4 be determined by the board of trustees of the office of Hawaiian
5 affairs. In addition, council members shall be reimbursed for
6 necessary expenses incurred during the performance of their
7 duties. The councils shall be a part of the department for
8 administrative purposes.

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

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 Statutory material to be repealed is bracketed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



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



H.B. NO. 2104
H.D. 2
S.D. 1
C.D. 1

APPROVED this 5th day of June , 2026

A handwritten signature in black ink, appearing to be 'Ike' or similar, written in a cursive style.

GOVERNOR OF THE STATE OF HAWAII

HB No. 2104, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura
Speaker
House of Representatives



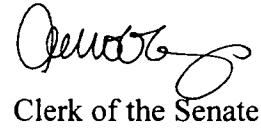
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 6, 2026
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2026.


President of the Senate


Clerk of the Senate