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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) 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  
21          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~~] 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 July 1, 3000.



**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 7/1/3000. (HD2)

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

