

JAN 19 2011

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## A BILL FOR AN ACT

RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE,  
THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE,  
HERITAGE, AND CULTURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to provide for the  
2 recognition of the Native Hawaiian people by the State of Hawaii  
3 and to implement that recognition by means and methods that will  
4 facilitate their self governance, including the establishment of  
5 or the amendment to programs, entities, and other matters that  
6 relate, or affect ownership, possession, or use of lands by the  
7 Native Hawaiian people, and by further promoting their  
8 entitlements, health, education, welfare, heritage, and culture.

9           In facilitating the establishment or amendment to programs,  
10 entities, and other matters, it is the intent of this Act that  
11 these programs, entities, and matters benefit the Native  
12 Hawaiian people to the greatest extent and at the earliest time  
13 possible by using and being guided by the history, heritage, and  
14 culture of the Native Hawaiian people and by using the laws of  
15 the United States of America and the State of Hawaii.

16           In addition, this Act also reaffirms the purposes set forth  
17 in the Hawaiian Homes Commission Act, 1920; the Admission Act of



# S.B. NO. 1

1 March 1959; together with sections 4 and 7 of Article XII of the  
2 Hawaii State Constitution, to:

3 (1) Manage and dispose of Hawaiian home lands to benefit  
4 the lessees of these lands;

5 (2) Convey and grant public lands known as "ceded lands"  
6 to the Native Hawaiian people; and

7 (3) Protect all rights, customarily and traditionally  
8 exercised for subsistence, cultural, and religious  
9 purposes and as possessed by ahupua'a tenants who are  
10 descendants of Native Hawaiians who inhabited the  
11 Hawaiian Islands prior to 1778.

12 SECTION 2. The Hawaiian Homes Commission Act of 1920 shall  
13 be amended, subject to approval by the United States Congress,  
14 if necessary, to accomplish the purposes set forth in this Act  
15 in a manner that is expeditious, timely, and consistent with the  
16 current needs and requirements of the Native Hawaiian people.

17 SECTION 3. Chapter 10, Hawaii Revised Statutes, is amended  
18 by adding two new sections to be appropriately designated and to  
19 read as follows:

20 "§10- Native Hawaiian corporation; establishment. The  
21 board shall establish the Native Hawaiian corporation, which



1 shall be a body corporate and a public instrumentality of the  
2 State, for the purpose of receiving and managing:

3 (1) The public lands designated as "available lands" in  
4 section 203 of the Hawaiian Homes Commission Act,  
5 1920;

6 (2) The public lands conveyed to the State pursuant to  
7 section 5(f) of the Admission Act, and commonly  
8 referred to as "ceded lands"; and

9 (3) Any other lands to which Native Hawaiians and  
10 Hawaiians may be entitled for the benefit of Native  
11 Hawaiians.

12 These lands collectively shall be referred to as the Native  
13 Hawaiian lands.

14 **§10- Native Hawaiian county corporations; establishment.**

15 The board shall establish one or more Native Hawaiian county  
16 corporations; provided that each corporation shall receive and  
17 manage through the Native Hawaiian corporation a portion of the  
18 Native Hawaiian lands that are located within the jurisdiction  
19 and control of the respective Native Hawaiian county corporation  
20 for the benefit of Native Hawaiians residing within the same  
21 jurisdiction and control of the respective Native Hawaiian  
22 county corporation."



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1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Melana J. Kim*  
*mel k.*

*Dana L. DeLoe*



**Report Title:**

Native Hawaiians

**Description:**

Provides for the recognition of the Native Hawaiian people by the State of Hawaii and implements that recognition by means and methods that will facilitate their self-governance, including the establishment of or the amendment to programs, entities, and other matters that relate, or affect ownership, possession, or use of lands by the Native Hawaiian people, and by further promoting their entitlements, health, education, welfare, heritage, and culture.

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

