

JAN 23 2020

A BILL FOR AN ACT

RELATING TO TRADITIONAL HAWAIIAN PRACTICES.

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

1 SECTION 1. Access to coastal resources is critical to
2 native Hawaiian traditional and customary practices. For
3 centuries, native Hawaiians have been active stewards of both
4 our land and ocean resources.

5 The native Hawaiian culture plays a vital role in
6 preserving and advancing the quality of life and cultural
7 vitality of Hawai'i. Additionally, the rights of native
8 Hawaiians are codified in Articles IX and XII of the Hawaii
9 State Constitution, as well as other state laws and judicial
10 decisions.

11 The State of Hawai'i has an affirmative obligation to ensure
12 that its regulatory actions do not adversely impact the
13 constitutionally protected rights of native Hawaiians.

14 The purpose of this Act is to amend existing law to
15 expressly protect the traditional and customary rights of native
16 Hawaiians.



1 SECTION 2. Section 190-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§190-1 Conservation area; administration. All marine
4 waters of the State are hereby constituted a marine life
5 conservation area to be administered by the department of land
6 and natural resources subject to this chapter and any other
7 applicable laws not inconsistent herewith or with any rules
8 adopted pursuant hereto. No person shall fish for or take any
9 fish, crustacean, mollusk, live coral, algae or other marine
10 life, or take or alter any rock, coral, sand or other geological
11 feature within any conservation district established pursuant to
12 this chapter except in accordance with section 190-4 and rules
13 adopted by the department pursuant hereto. This chapter shall
14 not apply to, or in any way prohibit, native Hawaiian
15 traditional and customary practices protected under article XII,
16 section 7 of the state constitution."

17 SECTION 3. New statutory material is underscored.

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

19

INTRODUCED BY:



S.B. NO. 3020

DKL
Silvino
Kurt Feller



S.B. NO. 3020

Report Title:

Traditional and Customary Practices; Native Hawaiians;
Conservation Area

Description:

Protects native Hawaiian traditional and customary practices.

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