
A BILL FOR AN ACT

RELATING TO LEGAL PERSONHOOD STATUS.

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

1 SECTION 1. Title 12, subtitle 6 of the Hawaii Revised
2 Statutes is amended by adding a new chapter to be appropriately
3 designated and to read as follows:

4 "CHAPTER
5 PERSONHOOD STATUS FOR SIGNIFICANT INDIGENOUS SITES, GEOGRAPHICAL
6 FEATURES, AND NATURAL RESOURCES

7 § -1 Findings and declaration of necessity. The
8 legislature finds and declares that:

- 9 (1) The State of Hawaii is home to numerous physical
10 sites, geographical features, and natural resources
11 having historical, cultural, or religious significance
12 to native Hawaiians;
- 13 (2) Once identified, certain significant indigenous sites,
14 geographical features, and natural resources should be
15 granted special protection by securing legal
16 personhood status for these places and resources;



1 (3) Hawaii should look to the precedents set by other
2 jurisdictions, such as New Zealand, which granted
3 legal personhood status to the Whanganui River in 2017
4 based on the river's long history of providing
5 physical and spiritual support to indigenous tribes
6 associated with the river, and India, which granted
7 legal personhood status to the Ganges River in
8 recognition of its holy status and venerated place in
9 Indian mythology;

10 (4) Granting legal personhood status to certain
11 significant indigenous sites, geographical features,
12 and natural resources means that these places and
13 resources have all the rights, powers, duties, and
14 liabilities of a legal person, and that any harm or
15 injury to these places and resources may be addressed
16 in the court system as if the harm or injury had been
17 inflicted upon a living human being; and

18 (5) The larger aims of granting legal personhood status
19 under this chapter include ensuring a meaningful form
20 of protection for significant indigenous sites,
21 geographical features, and natural resources that may

1 be judicially enforced; providing these places and
2 resources with a clear identity and voice with which
3 to address environmental or other threats such as
4 pollution and overdevelopment; and preserving the
5 unique historical, cultural, and religious value of
6 these places and resources for current and future
7 generations of the people of Hawaii nei.

8 § -2 **Securing of legal personhood status; determination;**
9 **interagency cooperation.** (a) The aha moku advisory committee
10 shall be the lead state agency to coordinate efforts to
11 determine which physical sites, geographical features, and
12 natural resources having historical, cultural, or religious
13 significance to native Hawaiians should be granted legal
14 personhood status and the reasons therefor. After these places
15 and natural resources have been identified, the aha moku
16 advisory committee shall develop a process and timeline for
17 initiating and completing the necessary legal proceedings to
18 secure legal personhood status for these places and resources.

19 (b) The aha moku advisory committee shall obtain the
20 advice and assistance of the following government entities,
21 which shall provide cooperation and collaboration:



- 1 (1) The board of land and natural resources and department
- 2 of land and natural resources;
- 3 (2) The office of Hawaiian affairs;
- 4 (3) The state historic preservation division, including
- 5 the respective island burial councils;
- 6 (4) The aha moku councils of each island; and
- 7 (5) Any other government entity that the aha moku advisory
- 8 committee deems appropriate for the purposes of this
- 9 chapter.

10 (c) The aha moku advisory committee may consult with and
11 invite the participation of private entities, including
12 community organizations, in implementing the requirements of
13 this chapter.

14 § -3 Rules. No later than December 31, 2023, the
15 department of land and natural resources shall adopt rules
16 pursuant to chapter 91, to implement this chapter."

17 SECTION 2. Section 171-4.5, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) The aha moku advisory committee may provide advice on
20 the following:



- 1 (1) Integrating indigenous resource management practices
- 2 with western management practices in each moku;
- 3 (2) Identifying a comprehensive set of indigenous
- 4 practices for natural resource management;
- 5 (3) Fostering the understanding and practical use of
- 6 native Hawaiian resource knowledge, methodology, and
- 7 expertise;
- 8 (4) Sustaining the State's marine, land, cultural,
- 9 agricultural, and natural resources;
- 10 (5) Providing community education and fostering cultural
- 11 awareness on the benefits of the aha moku system;
- 12 (6) Fostering protection and conservation of the State's
- 13 natural resources^[+], including protection of sites,
- 14 geographical features, and natural resources having
- 15 historical, cultural, or religious significance to
- 16 native Hawaiians, pursuant to chapter _____ ; and
- 17 (7) Developing an administrative structure that oversees
- 18 the aha moku system."

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 upon its approval.

2

INTRODUCED BY:



JAN 22 2021



H.B. NO. 020

Report Title:

Native Hawaiians; Indigenous Sites; Special Protection; Legal Personhood Status; DLNR; Aha Moku Advisory Committee

Description:

Establishes a means of determining which physical sites, geographical features, and natural resources having historical, cultural, or religious significance to native Hawaiians should be granted special protection by securing legal personhood status for these places and resources. Designates the aha moku advisory committee as the lead agency to coordinate this effort. Requires the department of land and natural resources to adopt rules no later than 12/31/2023.

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

