

A BILL FOR AN ACT

RELATING TO STATE PARKS AND RECREATION AREAS.

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

1 SECTION 1. The legislature finds that traditional
2 native Hawaiian culture is an unique and valuable resource
3 of the State. Unfortunately, traditional Hawaiian culture
4 has been fragmented during the last two centuries, due in
5 part to the disruption of the traditional Hawaiian community
6 structure and its traditional land and sea-based subsistence
7 activities.

8 In recent years, some of the descendants of aboriginal
9 Hawaiians have expressed an interest in re-establishing
10 traditional Hawaiian communities. They believe there is an
11 urgent need to establish such communities since rapid
12 development in the State is limiting the locations where
13 they could be built. Furthermore, there is a sense that
14 traditional customs are rapidly being lost, as elder
15 Hawaiians who have first-hand knowledge of these traditions
16 age and pass away.
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The legislature finds that it is in the interest of the State to encourage the preservation of traditional native Hawaiian culture. The legislature further finds that the establishment of cultural live-in parks, in which native Hawaiian individuals and families could reside and dedicate themselves to the practice of traditional Hawaiian lifestyles and activities, would contribute significantly to the preservation of traditional Hawaiian culture and would provide a valuable educational resource for all citizens.

The legislature finds that there are areas in certain state parks which could be set aside to serve as cultural live-in parks without restricting the parks' other recreational uses. The legislature further finds that such cultural live-in parks should be developed at no cost to the state or county taxpayers.

Finally, the legislature finds that the establishment of live-in cultural parks could help to control the problem of crime in our parks.

The purpose of this Act is to provide for the establishment of cultural live-in parks.

SECTION 2. Section 184-1, Hawaii Revised Statutes, is amended by adding new definitions to be appropriately inserted and to read as follows:

1 "Live-in cultural park" means an area within the state
2 park system subject to the provisions of P.L. 88-233, 77
3 Stat. 472, in which native Hawaiian individuals or families
4 are allowed to reside; provided that these individuals or
5 families engage in the preservation and perpetuation of
6 traditional native Hawaiian activities and culture.

7 "Native Hawaiian" means any descendant of not less than
8 one-half part of the races inhabiting the Hawaiian Islands
9 previous to 1778, as defined by the Hawaiian Homes
10 Commission Act, 1920, as amended; provided that the term
11 identically refers to the descendants of such blood quantum
12 of such aboriginal peoples which exercised sovereignty and
13 subsisted in the Hawaiian Islands in 1778 and which peoples
14 thereafter continued to reside in Hawaii.

15 "Plan" means a plan prepared by prospective residents
16 of a live-in cultural park which describes the objectives,
17 purposes, construction, management, educational programs,
18 projects, and financing of a live-in cultural park.

19 "Resident" means any native Hawaiian individual or
20 family whose application for residence in a live-in cultural
21 park has been approved by the department.

22 "Residents' association" means an association formed by
23 the residents of a specific live-in cultural park for the
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purpose of managing and operating the park."

SECTION 3. Chapter 184, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

"§184- Live-in cultural parks. The department may designate live-in cultural parks, not less than twenty acres and not more than thirty acres in size. The department shall consult with the office of Hawaiian affairs in determining what areas shall be designated as live-in cultural parks.

§184- Plans. Upon designation by the department of a live-in cultural park, the department shall receive and review plans for the park. The plans shall describe the objectives and purposes of the park, the structure and physical layout of the park, including any proposed construction, and the extent and type of traditional native Hawaiian activities which will be carried out in the park.

Each plan shall provide the following:

- (1) Assurances that adequate funding can be obtained to achieve the objectives of the plan, and that no state or county funds will be required to achieve those objectives;
- (2) Assurances that adequate opportunities exist for

nonresidents to observe, appreciate, and learn about native Hawaiian activities practiced by the residents, without violating the residents' right to privacy; and

(3) Assurances that the residents' basic needs, such as decent housing, physical safety, sanitary facilities, trash removal, and water are adequately met.

Each plan shall describe clearly the responsibilities of each adult resident of the park with respect to the implementation of all the elements of the plan.

§184- Applications for residence. Upon approval by department of a plan for a live-in cultural park, the department shall accept applications for residence in the park. Applications for residence shall be approved on the basis of the applicant's background and qualifications as they correlate with the objectives and design of the approved plan.

§184- Role of office of Hawaiian affairs. The office of Hawaiian affairs shall serve in an advisory capacity to the department in all phases of the initiation, development, and management of live-in cultural parks.

§184- Rules for live-in cultural parks. The

department shall adopt rules pursuant to chapter 91 providing for the organization, management, and operation of live-in cultural parks. These rules shall include the following:

- (1) A detailed description of activities which are consistent with the definition of a live-in cultural park;
- (2) Requirements for obtaining plan approval by the department;
- (3) Requirements for applying for residence in a live-in cultural park; and
- (4) Establishment and operation of a residents' association."

SECTION 4. New statutory material is underscored.

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

nonresidents to observe, appreciate, and learn about native Hawaiian activities practiced by the residents, without violating the residents' right to privacy; and

(3) Assurances that the residents' basic needs, such as decent housing, physical safety, sanitary facilities, trash removal, and water are adequately met.

Each plan shall describe clearly the responsibilities of each adult resident of the park with respect to the implementation of all the elements of the plan.

§184- Applications for residence. Upon approval by OHA (department) of a plan for a live-in cultural park, the department shall accept applications for residence in the park. Applications for residence shall be approved on the basis of the applicant's background and qualifications as they correlate with the objectives and design of the approved plan.

§184- Role of office of Hawaiian affairs. The office of Hawaiian affairs shall serve in an advisory capacity to the department in all phases of the initiation, development, and management of live-in cultural parks.

§184- Rules for live-in cultural parks. The

the designation of park sites pursuant to section 184 and in the development of park plan pursuant to section 184

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department shall adopt rules pursuant to chapter 91
providing for ^{*park site delineation, park plan development,*} the organization, management, and operation of
live-in cultural parks. These rules ^{*shall*} include the
following:

- (1) A detailed description of activities which are consistent with the definition of a live-in cultural park;
- (2) Requirements for obtaining plan approval by the department;
- (3) Requirements for applying for residence in a live-in cultural park; and
- (4) Establishment and operation of a residents' association."

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