

**SUMMARY: HAWAI‘I LEGISLATIVE ACTS
RELIED ON IN THE HAWAI‘I SUPREME COURT’S DECISION**

- **Act 354 (1993)** relating to Hawaiian Sovereignty – This act provides funding to develop programs and curriculum to educate the general public about Hawaiian sovereignty. After reviewing some of the facts surrounding the overthrow of the Hawaiian government, the Legislature acknowledges that “[m]any native Hawaiians believe that the lands taken without their consent should be returned and if not, monetary compensation made, and that they should have the right to sovereignty, or the right to self-determination and self-government as do other native American people.” In this act, the Legislature also recognized that it had previously “acknowledged that the actions by the United States were illegal and immoral” and pledges its “continued support to the native community by taking steps to promote the restoration of the rights and dignity of native Hawaiians.”
- **Act 359 (1993)** relating to Hawaiian Sovereignty – This act establishes the Hawaiian Sovereignty Advisory Commission to advise the Legislature on a voting process to determine the will of the Native Hawaiian people regarding a convention. Such a convention would seek to achieve consensus on an organic governing document and decide on a form and structure of a native government. Act 359 contains a very strong finding section, concluding with:

In 1898, Hawaii was annexed to the United States through the Newlands Resolution without the consent of or compensation to the indigenous people of Hawaii or their sovereign government. As a result, the indigenous people of Hawaii were denied the mechanism for expression of their inherent sovereignty through self-government and self-determination, their lands, and their ocean resources.
- **Act 340 (1993)** relating to the Island of Kaho‘olawe – In anticipation of Kaho‘olawe’s return to State control, this act established the Kaho‘olawe Island Reserve Commission to manage the island. The act affirms that Kaho‘olawe’s resources and waters are to be held as part of the public land trust. It also provides that “the State shall transfer management and control of the island and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawaii.”
- **Act 329 (1997)** relating to the Public Land Trust – In responding to controversies over the revenue due to the Office of Hawaiian Affairs from the public land trust, this Act establishes an interim revenue amount due to OHA, sets up a committee to make recommendations on issues related to the public land trust, and requires the Dept. of Land and Natural Resources to complete an inventory of the public land trust. The finding section states: “The legislature finds that the events of history relating to Hawaiians and Native Hawaiians, including those set forth in [the Apology Resolution], continue to contribute today to a deep sense of injustice among many Native Hawaiians and others. The legislature recognizes that the lasting reconciliation so desired by all people of Hawaii is possible only if it fairly acknowledges the past while moving into Hawaii’s future.”