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# A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

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

1           SECTION 1. In Act 195, Session Laws of Hawaii 2011, the  
2 legislature recognized the Native Hawaiian people as the only  
3 indigenous, aboriginal, maoli people of Hawaii. Act 195 also  
4 provided for the recognition of the Native Hawaiian people by  
5 means and methods that would facilitate their self-governance,  
6 including the establishment of, or amendment to, programs,  
7 entities, and other matters pursuant to law that relate to or  
8 affect ownership, possession, or use of lands by the Native  
9 Hawaiian people, and by further promoting their culture,  
10 heritage, entitlements, health, education, and welfare.

11           To begin the process of recognition, Act 195 established a  
12 five-member roll commission whose purpose, in part, is to  
13 certify individuals on the roll of qualified Native Hawaiians.  
14 A qualified Native Hawaiian must be, among other requirements,  
15 someone who is a descendant of the aboriginal peoples who, prior  
16 to 1778, occupied and exercised sovereignty in the Hawaiian  
17 islands; or someone who is one of the indigenous, native people  
18 of Hawaii and was eligible in 1921 for the programs authorized



1 by the Hawaiian Homes Commission Act, 1920, or a direct lineal  
2 descendant of that individual. A qualified Native Hawaiian must  
3 also be eighteen years of age or older.

4 In order to meet the requirements for certification as a  
5 qualified Native Hawaiian, it is often necessary for an  
6 individual to produce birth, marriage, divorce, or death  
7 certificates, certified by the department of health. These  
8 certificates currently cost \$10 for the first copy and \$4 for  
9 each additional copy.

10 The purpose of this Act is to establish a fee of \$1, which  
11 shall be deposited into the state general fund, for certified  
12 copies of birth, marriage, divorce, or death certificates that  
13 are sought as proof of an individual's Native Hawaiian ancestry.

14 SECTION 2. Section 338-14.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§338-14.5 Copies of certificate; fees.** [~~The~~] (a) Except  
17 as provided in subsection (c), the fees for certified copies of  
18 birth, marriage, divorce, or death certificates issued by the  
19 department of health shall consist of \$10 for the first copy  
20 issued and \$4 for each copy issued thereafter. These fees shall  
21 be collected for each single request for certified copies.



1        (b) All fees received for the issuance of certified copies  
2 of birth, marriage, divorce, or death certificates pursuant to  
3 subsection (a) shall be remitted to the director of health.

4 Upon the receipt of remittances under this [~~section,~~  
5 subsection, the director of health shall deposit:

6        (1) \$1 for each certified copy to the credit of the spouse  
7 and child abuse special account established under  
8 section 346-7.5;

9        (2) \$1 for each certified copy to the credit of the spouse  
10 and child abuse special account established under  
11 section 601-3.6;

12        (3) \$1 for each certified copy to the credit of the  
13 domestic violence and sexual assault special fund  
14 established under section 321-1.3;

15        (4) \$1 for each certified copy to the credit of the vital  
16 statistics improvement special fund established under  
17 section 338-14.6; and

18        (5) The remainder of the fee for each certified copy to  
19 the credit of the state general fund.

20        (c) If a certified copy of a birth, marriage, divorce, or  
21 death certificate issued by the department of health is sought  
22 as proof of an individual's Native Hawaiian ancestry pursuant to



1 section 10H-3 or section 10-19, the fee for each certified copy  
2 of the certificate shall be \$1. The director of health shall  
3 deposit moneys collected under this subsection into the general  
4 fund."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

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



**Report Title:**

Native Hawaiians; Vital Records; Fees

**Description:**

Establishes a \$1 fee for certified copies of birth, marriage, divorce, or death certificates when used to verify an individual's Native Hawaiian ancestry for certain purposes. Requires Director of Health to deposit fee into the State's general fund. (HB251 HD1)

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

