

MAR - 6 2020

SENATE RESOLUTION

URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS.

1 WHEREAS, Hawaii law prohibits discrimination against a
2 person based solely on national origin, ancestry, race, color,
3 religion, disability, sex, marital status, sexual orientation,
4 or age; and

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6 WHEREAS, discrimination is carried out against many
7 indigenous people who are recognized as Native Hawaiians under
8 chapter 10H, Hawaii Revised Statutes, and declare themselves to
9 be members of the Hawaiian nation or "Hawaiian nationals"; and

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11 WHEREAS, discrimination is carried out against many other
12 people who, although they are not Native Hawaiian, reside in
13 Hawaii and share the legal, historical, and philosophical
14 foundation as Native Hawaiians, and who declare themselves to be
15 members of the Hawaiian nation or "Hawaiian nationals"; and

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17 WHEREAS, an individual's declaration of the individual's
18 own nationality stems from one's sense of loyalty or allegiance,
19 which comes from the soul and may be a consequence of one's
20 education, sense of familiarity, attachment to principles, sense
21 of honor and integrity, genealogy and history, acculturation to
22 a place, sense of belonging to a community or society, and
23 understanding of applicable laws of the land; and

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25 WHEREAS, the history of Hawaii's relationship with the
26 United States of America (U.S.) is one marked by U.S.
27 aggression, collusion, government overthrow, cession, and
28 annexation as a territory before Hawaii became a U.S. state; and

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30 WHEREAS, the Hawaiian nation was an inclusive society
31 welcoming people of all nations, colors, and religions as equal
32 before the law; and

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1 WHEREAS, Hawaiian nationals should not have to face
2 barriers to full participation in private and public affairs in
3 Hawaii; and

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5 WHEREAS, to truly reflect representation of all people of
6 Hawaii, Hawaiian nationals should be allowed to fully
7 participate, to the maximum extent possible in addressing issues
8 regarding education, employment, housing and public
9 accommodations, lending, law enforcement and police conduct,
10 voting rights, jury service, military service, health care,
11 public safety, and licensing; now, therefore,

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13 BE IT RESOLVED by the Senate of the Thirtieth Legislature
14 of the State of Hawaii, Regular Session of 2020, that the Native
15 Hawaiian Convention is urged to convene a working group to
16 develop recommendations and strategies to creating Hawaiian
17 nationality as a protected class for purposes of Hawaii's anti-
18 discrimination laws; and

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20 BE IT FURTHER RESOLVED that areas of discrimination against
21 Hawaiian nationals to be examined by the working group should
22 include, without limitations, education, employment, housing and
23 public accommodations, lending, law enforcement and police
24 conduct, voting rights, jury service, military service, health
25 care, public safety, public service, and licensing; and

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27 BE IT FURTHER RESOLVED that the working group consider the
28 proposed definition of "Hawaiian nationals" to mean an
29 individual who declares themself to be such, and who meets any
30 one or more of the following categories:

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32 (1) All Native Hawaiians as defined by a direct lineal
33 ancestry who resided in the Hawaiian Islands prior to
34 the year 1778;
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36 (2) Descendants of subjects or citizens of the Hawaiian
37 Kingdom prior to July 4, 1894; or
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39 (3) All persons born in Hawaii, and other individuals who
40 have been a resident of Hawaii for a continuous period
41 of five years immediately prior to declaring oneself a
42 Hawaiian national; and



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BE IT FURTHER RESOLVED that the working group's membership consist of nine members, to include:

- (1) One individual representing the Native Hawaiian Convention to oversee the working group to serve as chairperson of the working group;
- (2) One individual representing the Office of Hawaiian Affairs;
- (3) One individual representing the Department of the Attorney General;
- (4) One individual representing the Department of Hawaiian Home Lands;
- (5) One individual representing the University of Hawaii at Manoa William S. Richardson School of Law; and
- (6) Four individuals of declared Hawaiian nationalities who have been active in the promotion of the rights of Hawaiian nationals, nominated by organizations who identify themselves as Hawaiian entities and who are to be selected by the Native Hawaiian Convention and the Governor or its designee; provided that together they represent a broad range of viewpoints and perspectives; and

BE IT FURTHER RESOLVED that the members of the working group shall receive no compensation for their services, but may be reimbursed for incidental expenses, including travel costs, necessary for the performance of their duties; and

BE IT FURTHER RESOLVED that the working group with the administrative assistance of the Native Hawaiian Convention is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of each Regular Session beginning in 2021, and for three years thereafter; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Native Hawaiian Convention,
3 Chairperson of the Board of Trustees of the Office of Hawaiian
4 Affairs, Attorney General, Chairperson of the Hawaiian Homes
5 Commission, and President of the University of Hawaii System.

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OFFERED BY:



