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.

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

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

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

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

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

WHEREAS, the Hawaiian nation was an inclusive society welcoming people of all nations, colors, and religions as equal before the law; and
WHEREAS, Hawaiian nationals should not have to face barriers to full participation in private and public affairs in Hawaii; and

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

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

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

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

(1) All Native Hawaiians as defined by a direct lineal ancestry who resided in the Hawaiian Islands prior to the year 1778;

(2) Descendants of subjects or citizens of the Hawaiian Kingdom prior to July 4, 1894; or

(3) All persons born in Hawaii, and other individuals who have been a resident of Hawaii for a continuous period of five years immediately prior to declaring oneself a Hawaiian national; and
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
BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Native Hawaiian Convention, Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, Attorney General, Chairperson of the Hawaiian Homes Commission, and President of the University of Hawaii System.

OFFERED BY: