

---

---

# HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY TO IDENTIFY STATE OF HAWAI'I LAWS THAT MAY  
NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE  
HAWAIIAN GOVERNMENT REORGANIZATION ACT.

1           WHEREAS, the Native Hawaiian Government Reorganization Act  
2 provides a process within the framework of federal law for the  
3 Native Hawaiian people to exercise their inherent rights as a  
4 distinct, indigenous, native community to reorganize a single  
5 unified Native Hawaiian governing entity for the purpose of  
6 giving expression to their rights as a native people to self-  
7 determination and self-governance; and

8  
9           WHEREAS, the Native Hawaiian Government Reorganization Act  
10 process will result in the reaffirmation of the special  
11 political and legal relationship between the United States and  
12 the Native Hawaiian people and recognition by the United States  
13 of the Native Hawaiian governing entity as the representative  
14 sovereign governing body of the Native Hawaiian people; and

15  
16           WHEREAS, upon the reaffirmation of the special political  
17 and legal relationship between the United States and the Native  
18 Hawaiian governing entity, the United States and the State of  
19 Hawai'i are authorized to enter into negotiations with the  
20 Native Hawaiian governing entity designed to lead to agreements  
21 on such matters as:

- 22  
23           (1) The transfer of lands, natural resources, and other  
24 assets, and the exercise of governmental authority  
25 over these assets;  
26  
27           (2) The exercise of civil and criminal jurisdiction;  
28  
29           (3) The authority to tax and other powers and authorities  
30 typically exercised by governments representing  
31 indigenous, native people of the United States;



- 1
- 2 (4) Residual responsibilities of the United States and the
- 3 State of Hawai'i; and
- 4
- 5 (5) Grievances regarding assertions of historical wrongs
- 6 committed against Native Hawaiians by the United
- 7 States or by the State of Hawai'i; and
- 8

9 WHEREAS, these post-federal-recognition negotiations may  
10 result in recommendations by the parties for amendments to State  
11 of Hawai'i and federal law; and

12  
13 WHEREAS, these post-federal-recognition negotiations and  
14 any resulting recommendations for amending state and federal law  
15 will likely not occur until a considerable time passes, perhaps  
16 years, after enactment of the Native Hawaiian Government  
17 Reorganization Act; and

18  
19 WHEREAS, a more immediate concern exists as to whether  
20 amendments to state and federal law may also be needed soon  
21 after the enactment of the Native Hawaiian Government  
22 Reorganization Act to facilitate the process of establishing and  
23 achieving federal recognition of a Native Hawaiian governing  
24 entity that will later negotiate with the state and federal  
25 governments; and

26  
27 WHEREAS, with regard to state law, a study under the  
28 auspices of the Hawai'i State Legislature would be most helpful  
29 in identifying the state laws that may need amendment soon after  
30 enactment of the Native Hawaiian Government Reorganization Act;  
31 and

32  
33 WHEREAS, the Legislative Reference Bureau, with its  
34 extensive background, knowledge, and publications regarding  
35 state law, state policy, and the legislative process, is well-  
36 positioned and well-qualified to perform the study; now,  
37 therefore;

38  
39 BE IT RESOLVED by the House of Representatives of the  
40 Twenty-sixth Legislature of the State of Hawai'i, Regular  
41 Session of 2011, the Senate concurring, that the Legislative  
42 Reference Bureau is requested to conduct a study of State of  
43 Hawai'i laws that may need amendment to facilitate the process  
44 under the Native Hawaiian Government Reorganization Act of

1 establishing a Native Hawaiian governing entity that will later  
2 negotiate with the state and federal governments; and

3  
4 BE IT FURTHER RESOLVED that the scope of the study is  
5 requested to include laws that may need to be amended to  
6 facilitate the timely and effective implementation of both:

7  
8 (1) The steps in the Native Hawaiian Government  
9 Reorganization Act process leading up to federal  
10 recognition; and

11  
12 (2) Federal recognition itself; and

13  
14 BE IT FURTHER RESOLVED that the Legislative Reference  
15 Bureau in planning and conducting the study is requested to give  
16 substantial attention to how best in the short term to lay the  
17 statutory groundwork for other future amendments that may result  
18 from negotiations involving the Native Hawaiian governing  
19 entity, the State of Hawai'i, and the United States in the long  
20 term; and

21  
22 BE IT FURTHER RESOLVED that the Legislative Reference  
23 Bureau is requested to include the following in the report of  
24 its study:

25  
26 (1) An identification of the laws that may need amendment;

27  
28 (2) An explanation of why the laws may need amendment; and

29  
30 (3) Proposed language for the amendments; and

31  
32 BE IT FURTHER RESOLVED that the Legislative Reference  
33 Bureau is requested to consult closely with the Office of  
34 Hawaiian Affairs when planning and conducting the study; and

35  
36 BE IT FURTHER RESOLVED that all government agencies are  
37 requested to provide their full cooperation and all relevant  
38 data and other information to the Legislative Reference Bureau  
39 during the planning and implementation of the study; and

40  
41 BE IT FURTHER RESOLVED that the Legislative Reference  
42 Bureau is requested to submit, not later than twenty days prior  
43 to the convening of the Regular Session of 2012, its findings  
44 and recommendations, including any proposed legislation; and



# H.C.R. NO. 10

1  
2 BE IT FURTHER RESOLVED that certified copies of this  
3 Concurrent Resolution be transmitted to the Governor, the  
4 President of the Senate, the Speaker of the House of  
5 Representatives, the United States Secretary of the Interior,  
6 the Acting Director of the Legislative Reference Bureau, and the  
7 Chairperson of the Office of Hawaiian Affairs.  
8  
9  
10

OFFERED BY:

*Calvin M. Day*

By Request

JAN 21 2011

