

JAN 21 2011

A BILL FOR AN ACT

RELATING TO THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT.

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

1 SECTION 1. The federal Native Hawaiian Government
2 Reorganization Act of 2010, commonly known as the "Akaka Bill,"
3 is currently being considered by the U.S. Senate and U.S. House
4 of Representatives. The Akaka Bill seeks to establish a Native
5 Hawaiian governing entity with the powers to negotiate and
6 determine the future legal status of those of Hawaiian blood.

7 The Akaka Bill would allow for the creation of a race-based
8 "tribe" of those of Hawaiian blood, which would include up to
9 400,000 people in every state in the United States. Membership
10 in the society created by the Akaka Bill is race-based and
11 determined by racial characteristics, namely, blood without any
12 minimum quantum, and without the recognition of what are
13 considered necessary elements for determination as a political
14 entity, as is done with Indian tribes.

15 The broad provisions of the Akaka Bill would give the race-
16 based Native Hawaiian governing entity vast governmental powers
17 and jurisdiction over persons in every state, and thus would
18 create the largest tribe in the nation. Key components of the



1 Akaka Bill shock the conscience of all reasonableness, and are,
2 in several ways, offensive to the citizens of the State of
3 Hawaii. For example, the definition of "Qualified Native
4 Hawaiian Constituent" is extremely broad and misleading. In
5 addition, the Akaka Bill fails to guarantee that the Bill of
6 Rights is recognized by the governing entity. The Akaka Bill
7 allows the governing entity to negotiate with state and federal
8 authorities over land rights, jurisdictional issues, and other
9 entitlements for its members to the exclusion of others that
10 reside in Hawaii. Most offensively, the Akaka Bill wholly lacks
11 any mechanism to enable Hawaiians, all Hawaiians, not just those
12 with one drop of Hawaiian blood, to determine whether they want
13 to authorize this race-based government.

14 The likely result is that enactment of the Akaka Bill will
15 effect far more than those who qualify for membership under the
16 Bill. The Akaka Bill will have broad sweeping impacts upon all
17 those who step foot on Hawaii's soil, including temporary
18 stationed military personnel, tourists, and most certainly the
19 residents who call Hawaii home.

20 The Akaka Bill is legislation that cannot be easily amended
21 or unwound as it creates a new society with its own laws,
22 jurisdiction, taxing powers, and other features of an



1 independent and sovereign entity. The Akaka Bill will have long
2 lasting impacts upon the State of Hawaii and the United States,
3 including: subjecting residents of Hawaii to multiple
4 jurisdictions in one community; placing clouds on land titles
5 and other rights that have been resolved for over one hundred
6 years; and creating future taxpayer liabilities because of
7 possible litigation rights Native Hawaiians may have against the
8 State of Hawaii and the United States governments.

9 The legislature finds that, because of the vast impacts of
10 the Akaka Bill, many of which will be devastating to the State
11 of Hawaii and its people, all people of Hawaii are entitled to
12 let their voices be heard as to whether or not they support
13 enactment of the Akaka Bill. Those impacted by such a vast law
14 deserve to be enfranchised to determine whether they should be
15 subject to a new sovereign which will have the power over them
16 and limit the rights that they have been guaranteed since
17 statehood.

18 The legislature further finds that it is appropriate to
19 hold an advisory referendum during the general election to be
20 held on November 6, 2012, to give Hawaii citizens the
21 opportunity to inform Congress of their position on the Akaka
22 Bill. This referendum is advisory in nature, and does not have



1 the force and effect of law. It is intended to be a means for
2 the people of Hawaii to express their views on the Akaka Bill.
3 A favorable vote will not necessarily result in passage of the
4 Akaka Bill by Congress. A vote to reject will not necessarily
5 result in failure of Congress to pass the Akaka Bill.

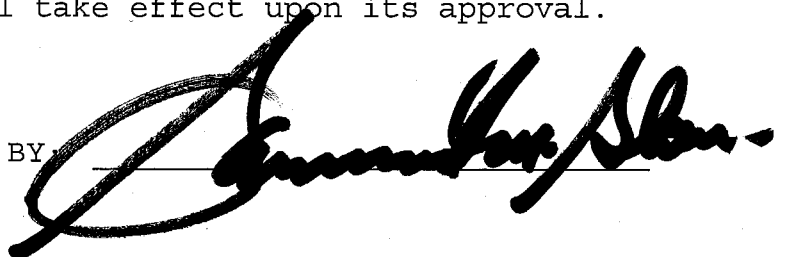
6 SECTION 2. The question to be printed on the ballot shall
7 be as follows:

8 "Should the State of Hawaii approve enactment of the Native
9 Hawaiian Government Reorganization Act of 2010, commonly
10 known as the "Akaka Bill," by the United States Congress? A
11 vote to "approve" means you are in support of
12 Congressional enactment of the Native Hawaiian Government
13 Reorganization Act of 2010. A vote to "reject" means that
14 you are opposed to Congressional enactment of the Native
15 Hawaiian Government Reorganization Act of 2010."

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY



Report Title:

Advisory Referendum; Akaka Bill

Description:

Provides for an advisory referendum as part of the general election to be held on November 6, 2012, to allow the people of Hawaii to vote in favor of or against the federal Native Hawaiian Government Reorganization Act of 2010, also called the "Akaka Bill."

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

