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# SENATE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A WORKING GROUP TO DISCUSS AND  
RECOMMEND LEGISLATION TO SUPPORT THE ESTABLISHMENT OF AN  
ENTITY TO ENHANCE THE FINANCIAL RESOURCES OF NATIVE  
HAWAIIANS.

1 WHEREAS, the Legislature finds that the State is currently  
2 dealing with a financial crisis; and

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4 WHEREAS, as a result of the recent economic downturn, state  
5 and county governments have had to reduce or eliminate various  
6 public services; and

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8 WHEREAS, all eighteen of the state principal departments,  
9 including the Department of Education and University of Hawaii,  
10 are underfunded and understaffed; and

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12 WHEREAS, in the wake of this shortfall in revenue, the  
13 State is also faced with growing debt and unfunded pension and  
14 welfare obligations in the billions of dollars; and

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16 WHEREAS, adding to this already challenging situation is  
17 the recent decision of the Hawaii Supreme Court, which held in  
18 Nelson v. Hawaiian Homes Commission, 127 Haw. 185 (2012), that  
19 the State must provide "sufficient funds" to cover the  
20 administrative and operational expenses of the Department of  
21 Hawaiian Home Lands; and

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23 WHEREAS, the Department of Hawaiian Home Lands is also  
24 facing a fiscal crisis, and the \$600,000,000 settlement awarded  
25 to the Department of Hawaiian Home Lands in 1995 was largely  
26 spent by prior administrations and will likely be completely  
27 diminished in about two years; and

28  
29 WHEREAS, other states allow the format of Native  
30 Corporations with authority to serve as vehicles for advancement  
31 of the Native Peoples in their states; and



1  
 2 WHEREAS, in 1965 the State of Hawaii established the State  
 3 Foundation on Culture and the Arts, which has enhanced the  
 4 State's awareness, appreciation, and knowledge of numerous  
 5 projects or programs pertaining to the arts, music, dance,  
 6 cultural customs, and traditions for almost fifty years; and  
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8 WHEREAS, the success of the State Foundation on Culture and  
 9 the Arts makes it a potential model for an entity to enhance the  
 10 financial resources of Native Hawaiians; and  
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12 WHEREAS, the Office of Hawaiian Affairs holds assets, both  
 13 financial and real estate, in trust for its beneficiaries; and  
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15 WHEREAS, Act 195, Session Laws of Hawaii 2011, recognized  
 16 the Native Hawaiian people as the only indigenous, aboriginal,  
 17 maoli people of Hawaii and established a roll that would list  
 18 Native Hawaiians eligible to participate in the organization of  
 19 a Native Hawaiian governing entity; and  
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21 WHEREAS, this entity, once formed, may be the most  
 22 appropriate entity to receive and manage all Native Hawaiian  
 23 lands; and  
 24

25 WHEREAS, there are unresolved issues needing study relating  
 26 to the appropriate constitutional and statutory missions, and  
 27 beneficiary and constituent groups, of the Department of  
 28 Hawaiian Home Lands, Department of Land and Natural Resources,  
 29 and Office of Hawaiian Affairs; now, therefore,  
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31 BE IT RESOLVED by the Senate of the Twenty-seventh  
 32 Legislature of the State of Hawaii, Regular Session of 2013, the  
 33 House of Representatives concurring, that the Department of  
 34 Hawaiian Home Lands; Office of Hawaiian Affairs; Department of  
 35 Land and Natural Resources; Sovereign Councils of the Hawaiian  
 36 Homelands Assembly; Association of Hawaiian Civic Clubs; and  
 37 other appropriate native Hawaiian beneficiary and constituent  
 38 group representatives are requested to convene a working group  
 39 to discuss and propose legislation which:  
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- 41 (1) Provides a vehicle that would ensure that "sufficient  
 42 funds" are provided by the State to the Department of  
 43 Hawaiian Home Lands;  
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- 1 (2) Generates much needed revenues for the general fund  
2 and the Department of Hawaiian Home Lands;
- 3
- 4 (3) Considers the costs and benefits of authorizing  
5 creation of native Hawaiian corporate entities to  
6 serve as vehicles to enhance the financial resources  
7 of native Hawaiians and the scope of powers and  
8 functions for such corporate entities, including  
9 whether the creation of a foundation or an endowment  
10 is an appropriate vehicle;
- 11
- 12 (4) Creates a vehicle to obtain revenue that will not  
13 require the State or the Department of Hawaiian Home  
14 Lands to bear up-front costs, including the  
15 appropriate use of public-private joint ventures; and  
16
- 17 (5) Utilizes lands and assets that are not Hawaiian home  
18 land trust lands to generate revenue; and  
19

20 BE IT FURTHER RESOLVED that the working group include the  
21 following members; provided that the working group may call upon  
22 advice or guidance from other persons in the community that have  
23 experience in, or a demonstrated expertise in, the establishment  
24 of corporate entities:

- 25
- 26 (1) Chairperson of the Hawaiian Homes Commission, or the  
27 Chairperson's designee;
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- 29 (2) Chairperson of the Board of Trustees of the Office of  
30 Hawaiian Affairs, or the Chairperson's designee;
- 31
- 32 (3) Chairperson of the Board of Land and Natural  
33 Resources, or the Chairperson's designee;
- 34
- 35 (4) Chairperson of the Sovereign Councils of the Hawaiian  
36 Homelands Assembly Executive Council, or the  
37 Chairperson's designee;
- 38
- 39 (5) President of the Association of Hawaiian Civic Clubs,  
40 or the President's designee; and
- 41
- 42 (6) Other appropriate native Hawaiian beneficiary and  
43 constituent group representatives; and  
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1 BE IT FURTHER RESOLVED that the working group is requested  
2 to jointly submit a report detailing their findings and proposed  
3 legislation to the Legislature no later than twenty days prior  
4 to the convening of the Regular Session of 2014 and be dissolved  
5 on June 30, 2014; and

6  
7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Chairperson of the  
9 Hawaiian Homes Commission; Chairperson of the Board of Trustees  
10 of the Office of Hawaiian Affairs; Chairperson of the Board of  
11 Land and Natural Resources; Chairperson of the Sovereign  
12 Councils of the Hawaiian Homelands Assembly Executive Council;  
13 and President of the Association of Hawaiian Civic Clubs.  
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