
SENATE 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
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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
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33 WHEREAS, in 1965 the State of Hawaii established the State
34 Foundation on Culture and the Arts, which has enhanced the



1 State's awareness, appreciation, and knowledge of numerous
2 projects or programs pertaining to the arts, music, dance,
3 cultural customs, and traditions for almost fifty years; and
4

5 WHEREAS, the success of the State Foundation on Culture and
6 the Arts makes it a potential model for an entity to enhance the
7 financial resources of Native Hawaiians; and
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9 WHEREAS, the Office of Hawaiian Affairs holds assets, both
10 financial and real estate, in trust for its beneficiaries; and
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12 WHEREAS, Act 195, Session Laws of Hawaii 2011, recognized
13 the Native Hawaiian people as the only indigenous, aboriginal,
14 maoli people of Hawaii and established a roll that would list
15 Native Hawaiians eligible to participate in the organization of
16 a Native Hawaiian governing entity; and
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18 WHEREAS, this entity, once formed, may be the most
19 appropriate entity to receive and manage all Native Hawaiian
20 lands; and
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22 WHEREAS, there are unresolved issues needing study relating
23 to the appropriate constitutional and statutory missions, and
24 beneficiary and constituent groups, of the Department of
25 Hawaiian Home Lands, Department of Land and Natural Resources,
26 and Office of Hawaiian Affairs; now, therefore,
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28 BE IT RESOLVED by the Senate of the Twenty-seventh
29 Legislature of the State of Hawaii, Regular Session of 2013,
30 that the Department of Hawaiian Home Lands; Office of Hawaiian
31 Affairs; Department of Land and Natural Resources; Sovereign
32 Councils of the Hawaiian Homelands Assembly; Association of
33 Hawaiian Civic Clubs; and other appropriate native Hawaiian
34 beneficiary and constituent group representatives are requested
35 to convene a working group to discuss and propose legislation
36 which:
37

38 (1) Provides a vehicle that would ensure that "sufficient
39 funds" are provided by the State to the Department of
40 Hawaiian Home Lands;
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42 (2) Generates much needed revenues for the general fund
43 and the Department of Hawaiian Home Lands;
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1 (3) Considers the costs and benefits of authorizing
 2 creation of native Hawaiian corporate entities to
 3 serve as vehicles to enhance the financial resources
 4 of native Hawaiians and the scope of powers and
 5 functions for such corporate entities, including
 6 whether the creation of a foundation or an endowment
 7 is an appropriate vehicle;

8
 9 (4) Creates a vehicle to obtain revenue that will not
 10 require the State or the Department of Hawaiian Home
 11 Lands to bear up-front costs, including the
 12 appropriate use of public-private joint ventures; and
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14 (5) Utilizes lands and assets that are not Hawaiian home
 15 land trust lands to generate revenue; and
 16

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

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 23 (1) Chairperson of the Hawaiian Homes Commission, or the
 24 Chairperson's designee;

25
 26 (2) Chairperson of the Board of Trustees of the Office of
 27 Hawaiian Affairs, or the Chairperson's designee;

28
 29 (3) Chairperson of the Board of Land and Natural
 30 Resources, or the Chairperson's designee;

31
 32 (4) Chairperson of the Sovereign Councils of the Hawaiian
 33 Homelands Assembly Executive Council, or the
 34 Chairperson's designee;

35
 36 (5) President of the Association of Hawaiian Civic Clubs,
 37 or the President's designee; and

38
 39 (6) Other appropriate native Hawaiian beneficiary and
 40 constituent group representatives; and
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42 BE IT FURTHER RESOLVED that the working group is requested
 43 to jointly submit a report detailing their findings and proposed
 44 legislation to the Legislature no later than twenty days prior



1 to the convening of the Regular Session of 2014 and be dissolved
2 on June 30, 2014; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Chairperson of the Hawaiian
6 Homes Commission; Chairperson of the Board of Trustees of the
7 Office of Hawaiian Affairs; Chairperson of the Board of Land and
8 Natural Resources; Chairperson of the Sovereign Councils of the
9 Hawaiian Homelands Assembly Executive Council; and President of
10 the Association of Hawaiian Civic Clubs.
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