

## ACT 140

H.B. NO. 3773

A Bill for an Act Relating to the Hawaiian Sovereignty Elections Council.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature through Act 359, Session Laws of Hawaii 1993, recognized the unique status that the Native Hawaiian people bear to the State of Hawaii and to the United States. In November 1993, the United States Congress adopted joint resolution P.L. 103-150, which acknowledged and apologized for the illegal overthrow of the Kingdom of Hawaii, and urged reconciliation between the United States of America and the Native Hawaiian people.

Through Act 200, Session Laws of Hawaii 1994, the legislature established the Hawaiian sovereignty elections council to oversee a vote to determine the will of the Native Hawaiian people to restore a nation of their own choosing. Under Act 200, moneys were also appropriated to enable the Hawaiian sovereignty elections council to educate, build consensus among the Native Hawaiian people, and conduct the vote. The task of the council is not yet completed, and the deadline for the appropriation needs to be extended.

The purpose of this Act is to provide a fair, open, and democratic process for all Native Hawaiian people to get involved and make a free choice as to whether to elect delegates who will convene to propose a Native Hawaiian government, and continue processes to build consensus within the Native Hawaiian community on the issue of Hawaiian self-governance.

SECTION 2. Act 359, Session Laws of Hawaii 1993, as amended by Act 200, Session Laws of Hawaii 1994, is amended by amending sections 2, 3, and 4 to read as follows:

“SECTION 2. **Purpose.** The purpose of this Act is to acknowledge and recognize the unique status that the [native] Native Hawaiian people bear to the State of Hawaii and to the United States and to facilitate the efforts of [native] the<sup>1</sup> Native Hawaiian<sup>2</sup> people<sup>1</sup> to determine [their will to be governed by an indigenous sovereign nation] self-governance of their own choosing. In the spirit of self-determination and by this Act, a Hawaiian sovereignty elections council is established to:

- (1) Hold a [plebiscite in 1995,] Native Hawaiian Vote in 1996 to determine the will of the [indigenous] Native Hawaiian people [to restore a nation] for self-governance of their own choosing; and
- (2) [Should the plebiscite be] Based upon the Native Hawaiian Vote approved by a majority of [qualified voters,] ballots cast, provide for a fair and impartial process to resolve the issues relating to form, structure, and status of [a] Hawaiian [nation.] self-governance.

SECTION 3. **Definitions.** As used in this chapter, unless the context otherwise requires:

“Council” means the Hawaiian sovereignty elections council.

“Hawaiian” and “[native] Native Hawaiian people”<sup>1</sup> mean the<sup>3</sup> descendants<sup>4</sup> of the races inhabiting the Hawaiian islands prior to 1778.

“Hawaiian organization” means any organization in the State which serves and represents the interests of Native Hawaiian<sup>2</sup> people,<sup>1</sup> has a membership consisting of at least a majority of Native Hawaiian<sup>2</sup> people,<sup>1</sup> and has been organized for at least one year.

[“Qualified voter” means any person qualified to vote pursuant to section 13D-3, Hawaii Revised Statutes.

“Special elections” means the Hawaiian convention referendum, the election of delegates, and the ratification election.]

**SECTION 4. Hawaiian sovereignty elections council.** (a) There is established within the department of accounting and general services for administrative purposes the Hawaiian sovereignty elections council, to carry out the purposes of this Act. The council shall consist of twenty members appointed by the governor without regard for section 78-4, Hawaii Revised Statutes. At least twelve of the twenty members shall be appointed from nominations submitted by Hawaiian organizations. Among the twelve, the governor shall appoint one member so designated from each of the following organizations: the Office of Hawaiian Affairs; Ka Lahui Hawaii; the State Council of Hawaiian Homestead Association; and the Association of Hawaiian Civic Clubs. The council shall consist of at least one member from each of the islands of Kauai, Niihau, Maui, Molokai, Lanai, Oahu, Hawaii,<sup>5</sup> and one member representing nonresident Hawaiians. Appointments shall be made before August 1, 1993, and shall not be subject to confirmation by the senate. Any appointment not made by that date shall be filled by the council during its first meeting which shall be held before August 15, 1993. After August 31, 1994, no member of the council shall be eligible to run in any special election under this Act. The members shall elect a chairperson and vice-chairperson. Any vacancy on the council after July 1, 1994, shall be filled by the governor from a list of nominees submitted by the council. If the governor fails to make an appointment within thirty days of receiving the list, the council shall make an appointment from the list of nominees. Members shall serve without compensation but shall be reimbursed for expenses, including travel and subsistence expenses, necessary for the performance of their duties.

(b) The council shall:

- (1) Plan and conduct the [plebiscite in 1995;] Native Hawaiian Vote in 1996;
- (2) Carry out the responsibilities necessary for the conduct of elections and the convening of delegates;
- (3) Provide for an apportionment plan;
- (4) Establish the eligibility of convention delegates;
- (5) Conduct Hawaiian voter education and registration; [and]
- (6) Establish task forces and committees necessary for the purposes of this Act[.]; and
- (7) Provide election guidelines and procedures for the Native Hawaiian Vote, without regard to chapter 91, Hawaii Revised Statutes.

(c) For the purposes of funding, the council shall submit [its plan for the election and convening of delegates] a final report of findings to the legislature not less than twenty days prior to the convening of the regular session of [1995.] 1997.

(d) The council shall cease to exist on December 31, 1996.”

**SECTION 3.** Act 200, Session Laws of Hawaii 1994, is amended by amending sections 1 and 2 to read as follows:

“SECTION 1. Findings. The legislature through Act 359, Session Laws of Hawaii 1993, recognized the unique status that the [native] Native Hawaiian people bear to the State of Hawaii and to the United States. The Hawaiian sovereignty advisory commission was established to seek counsel from the [native] Native Hawaiian people on how to facilitate the efforts to be governed by an indigenous sovereign nation of their own choosing.

In November 1993, the United States Congress adopted joint resolution P.L. 103-150, which acknowledged and apologized for the illegal overthrow of the

Kingdom of Hawaii, and urged reconciliation between the United States of America and the [indigenous] Native Hawaiian people.

SECTION 2. Purpose. In the spirit of self-determination and by this Act, the legislature supports the efforts of the [indigenous] Native Hawaiian people to:

- (1) Create an independent entity to carry out the purposes of this Act; and
- (2) Provide for a fair and impartial process to determine the will of the [indigenous] Native Hawaiian<sup>1</sup> people to restore a nation of their own choosing.”

SECTION 4. Act 200, Session Laws of Hawaii 1994, as amended by Act 11, Special Session Laws of Hawaii 1995, is amended by amending section 12 to read as follows:

“SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of \$900,000[,] or so much thereof as may be necessary for fiscal year 1994-1995 and fiscal year 1995-1996<sup>1</sup> [,] for the purposes of this Act; provided that no funds shall be made available under this Act unless the Office of Hawaiian Affairs provides a dollar-for-dollar match of funds which are derived solely from revenues generated under the authority of section 5(f) of the Admission Act. The appropriation made for the purposes authorized in this section shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that any appropriation that is unencumbered as of June 30, 1997, shall lapse as of that date.

The sums appropriated or authorized shall be expended by the department of accounting and general services for the purposes of this Act.

The department of accounting and general services may hire staff as necessary to accomplish the purposes of this Act. [Such] These persons shall be exempt from chapters 76, 77, and 89, Hawaii Revised Statutes.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on June 29, 1996.

(Approved June 12, 1996.)

#### Notes

1. Should be underscored.
2. Prior to amendment “Hawaiians” appeared here.
3. Prior to amendment “any” appeared here.
4. Prior to amendment “descendent” appeared here.
5. So in original.