

JAN 22 2010

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# 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 2009, 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, creating the



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

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

21 The Akaka Bill is legislation that cannot be easily amended  
22 or unwound as it creates a new society with its own laws,



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

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

19 The legislature therefore finds that it is appropriate to  
20 hold an advisory referendum during the general election to be  
21 held on November 2, 2010, to give Hawaii citizens the  
22 opportunity to inform Congress of their position on the Akaka



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

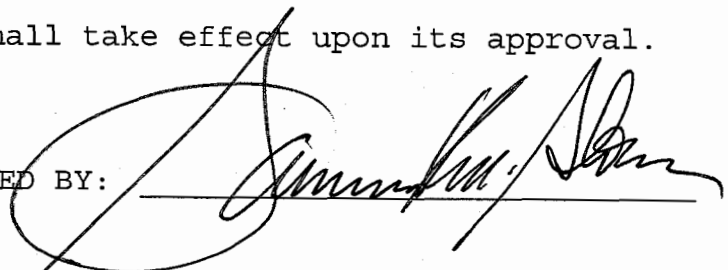
7 SECTION 2. The question to be printed on the ballot shall  
8 be as follows:

9 "Should the State of Hawaii approve enactment of the Native  
10 Hawaiian Government Reorganization Act of 2009, commonly  
11 known as the "Akaka Bill," by the United States Congress? A  
12 vote to "approve" means you are in support of  
13 Congressional enactment of the Native Hawaiian Government  
14 Reorganization Act of 2009. A vote to "reject" means that  
15 you are opposed to Congressional enactment of the Native  
16 Hawaiian Government Reorganization Act of 2009."

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

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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 2, 2010, to allow the people of Hawaii to vote in favor of or against the federal Native Hawaiian Government Reorganization Act of 2009, 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.*

