

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

July 13, 2020

Honorable Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Molina:

Respectfully transmitted are copies of the following items that were referred to your Committee by the Council of the County of Maui at its meeting of July 10, 2020:

COUNTY COMMUNICATIONS:

- No. 20-352 - Kelly Takaya King, Councilmember
- No. 20-353 - Alice L. Lee, Council Chair
- No. 20-354 - Alice L. Lee, Council Chair
- No. 20-355 - Tasha Kama, Presiding Officer Pro Tempore

Respectfully,

Handwritten signature of Kathy L. Kaho in cursive.

KATHY L. KAOHU
County Clerk

/jym

Enclosures

cc: Director of Council Services

OFFICE OF THE
COUNTY COUNCIL

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RECEIVED

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 2, 2020

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

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2020 JUL -2 AM 11:41
OFFICE OF THE
COUNTY CLERK

Dear Chair Lee:

**SUBJECT: URGING THE NATIVE HAWAIIAN CONVENTION TO
CONVENE A WORKING GROUP TO CREATE
HAWAIIAN NATIONALITY AS A PROTECTED CLASS
FOR PURPOSES OF HAWAII'S ANTI-
DISCRIMINATION LAWS (PAF 20-187)**

May I request the attached proposed resolution, entitled "URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS," be placed on the next Council meeting agenda.

Sincerely,

TASHA KAMA
Presiding Officer Pro Tempore

paf:jbf:20-187b

Enclosure

COUNTY COMMUNICATION NO. 20-355

Resolution

No. _____

URGING THE NATIVE HAWAIIAN CONVENTION TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS AND STRATEGIES TO CREATE HAWAIIAN NATIONALITY AS A PROTECTED CLASS FOR PURPOSES OF HAWAII'S ANTI-DISCRIMINATION LAWS

WHEREAS, Hawaii law prohibits discrimination against a person based solely on national origin, ancestry, race, color, religion, disability, sex, marital status, sexual orientation, or age; and

WHEREAS, discrimination is carried out against many indigenous people who are recognized as Native Hawaiians under Chapter 10H, Hawaii Revised Statutes, and declare themselves to be members of the Hawaiian nation or "Hawaiian nationals"; and

WHEREAS, discrimination is carried out against many other people who, although they are not Native Hawaiian, reside in Hawaii and share the legal, historical, and philosophical foundation as Native Hawaiians, and who declare themselves to be members of the Hawaiian nation or "Hawaiian nationals"; and

WHEREAS, an individual's declaration of the individual's own nationality stems from one's sense of loyalty or allegiance, which comes from the soul and may be a consequence of one's education, sense of familiarity, attachment to principles, sense of honor and integrity, genealogy and history, acculturation to a place, sense of belonging to a community or society, and understanding of applicable laws of the land; and

WHEREAS, the history of Hawaii's relationship with the United States of America (U.S.) is one marked by U.S. aggression, collusion, government overthrow, cession, and annexation as a territory before Hawaii became a U.S. state; and

WHEREAS, the Hawaiian nation was an inclusive society welcoming people of all nations, colors, and religions as equal before the law; and

WHEREAS, Hawaiian nationals should not have to face barriers to full participation in private and public affairs in Hawaii; and

Resolution No. _____

WHEREAS, to truly reflect representation of all people of Hawaii, Hawaiian nationals should be allowed to fully participate, to the maximum extent possible, in addressing issues regarding education, employment, housing and public accommodations, lending, law enforcement and police conduct, voting rights, jury service, military service, health care, public safety, and licensing; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the Native Hawaiian Convention is urged to convene a working group to develop recommendations and strategies to creating Hawaiian nationality as a protected class for purposes of Hawaii's anti-discrimination laws;
2. That areas of discrimination against Hawaiian nationals to be examined by the working group should include, without limitations, education, employment, housing and public accommodations, lending, law enforcement and police conduct, voting rights, jury service, military service, health care, public safety, public service, and licensing;
3. That the working group consider the proposed definition of "Hawaiian nationals" to mean an individual who declares themselves to be such, and who meets any one or more of the following categories:
 - a. All Native Hawaiians as defined by a direct lineal ancestry who resided in the Hawaiian Islands prior to the year 1778;
 - b. Descendants of subjects or citizens of the Hawaiian Kingdom prior to July 4, 1894; or
 - c. All persons born in Hawaii and other individuals who have been a resident of Hawaii for a continuous period of five years immediately prior to declaring oneself a Hawaiian national;
4. That the working group's membership consist of nine members, to include:

Resolution No. _____

- a. One individual representing the Native Hawaiian Convention to oversee the working group to serve as chairperson of the working group;
 - b. One individual representing the Office of Hawaiian Affairs;
 - c. One individual representing the Department of the Attorney General;
 - d. One individual representing the Department of Hawaiian Home Lands;
 - e. One individual representing the University of Hawaii at Manoa William S. Richardson School of Law; and
 - f. Four individuals of declared Hawaiian nationalities who have been active in the promotion of the rights of Hawaiian nationals, nominated by organizations who identify themselves as Hawaiian entities and who are to be selected by the Native Hawaiian Convention and the Governor or its designee; provided that together they represent a broad range of viewpoints and perspectives;
5. That the members of the working group shall receive no compensation for their services, but may be reimbursed for incidental expenses, including travel costs, necessary for the performance of their duties; and
 6. That certified copies of this resolution be transmitted to Governor David Ige, Senator Maile Shimabukuro, Senator Russell Ruderman, Senator Rosalyn Baker, Senator J. Kalani English, Senator Gilbert Keith-Agaran, the Native Hawaiian Convention, the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, the Attorney General, the Chairperson of the Hawaiian Homes Commission, the President of the University of Hawaii System, and the Chancellor of the University of Hawaii—Maui College.