
A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that pursuant to Hawaii's
2 constitution, statutes, and case law, the State recognizes a
3 mandate to protect native Hawaiian and Hawaiian traditional and
4 customary rights.

5 Certain state councils, boards, and commissions administer
6 public trust resources and programs that directly impact native
7 Hawaiian and Hawaiian traditional and customary rights, natural
8 resource protection and access rights, and the public trust. As
9 entities of the State, these councils, boards, and commissions
10 have a duty to protect and preserve these rights, and a
11 fiduciary duty to administer the public trust in the interest of
12 the beneficiaries, including native Hawaiians and Hawaiians.
13 The legislature finds that newly appointed members of these
14 state councils, boards, and commissions represent a broad range
15 of expertise and experience and therefore may not possess, upon
16 their appointment, knowledge of native Hawaiian and Hawaiian
17 rights and the public trust that would enable them to execute
18 their roles, fully informed of their responsibilities.



1 Chapter 10, Hawaii Revised Statutes, indicates that the
2 office of Hawaiians affairs is the principal public agency
3 responsible for ensuring that other state agencies protect
4 native Hawaiian and Hawaiian rights. Section 10-1(b), Hawaii
5 Revised Statutes, specifies that:

6 "It shall be the duty and responsibility of all state
7 departments and instrumentalities of state government
8 providing services and programs which affect native
9 Hawaiians and Hawaiians to actively work toward the goals
10 of this chapter and to cooperate with and assist wherever
11 possible the office of Hawaiian affairs."

12 Section 10-3, Hawaii Revised Statutes, states that the
13 purposes of the office of Hawaiian affairs include:

14 "Serving as the principal public agency in this State
15 responsible for the performance, development, and
16 coordination of programs and activities relating to native
17 Hawaiians and Hawaiians; except that the Hawaiian Homes
18 Commission Act, 1920, as amended, shall be administered by
19 the Hawaiian homes commission . . . "; and

20 "Assessing the policies and practices of other agencies
21 impacting on native Hawaiians and Hawaiians, and conducting
22 advocacy efforts for native Hawaiians and Hawaiians. . . ."



1 Therefore, the legislature finds that to prepare these
2 state appointees to fulfill their roles and responsibilities,
3 fully informed of their duties and obligations, these state
4 appointees should be provided with training.

5 The legislature further finds that the office of Hawaiian
6 affairs is the appropriate agency to train and educate the
7 members of appropriate councils, boards, and commissions about
8 native Hawaiian and Hawaiian traditional and customary rights,
9 natural resource protection and access rights, and the public
10 trust.

11 The purpose of this Act is to require members of
12 appropriate state councils, boards, and commissions to undergo
13 training conducted by the office of Hawaiian affairs on native
14 Hawaiian and Hawaiian rights, the source of these rights, and
15 how infringement of these rights impacts the native Hawaiian and
16 Hawaiian people.

17 SECTION 2. Chapter 10, Hawaii Revised Statutes, is amended
18 by adding a new part to be appropriately designated and to read
19 as follows:

20 **"PART . REQUIRED TRAINING RELATING TO NATIVE HAWAIIAN**
21 **AND HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS,**
22 **NATIVE HAWAIIAN AND HAWAIIAN NATURAL RESOURCE PROTECTION**



1 AND ACCESS RIGHTS, AND THE STATE'S OBLIGATIONS

2 UNDER THE PUBLIC TRUST

3 **§10-A Applicability of part.** This part applies to members
4 of the land use commission, the board of land and natural
5 resources, the commission on water resource management, the
6 environmental council, the board of directors of the
7 agribusiness development corporation, the board of agriculture,
8 the legacy land conservation commission, the natural area
9 reserves system commission, the Hawaii historical places review
10 board, and the board of health. This part does not apply to any
11 other officer, representative, or employee of the State.

12 **§10-B Mandatory training relating to native Hawaiian and**
13 **Hawaiian traditional and customary rights, natural resource**
14 **protection and access rights, and the public trust, including**
15 **the State's trust responsibility.** (a) All council, board, and
16 commission members enumerated in section 10-A shall complete a
17 training course relating to native Hawaiian and Hawaiian rights
18 administered by the office of Hawaiian affairs within six months
19 of their official appointment date, as provided in this part.

20 (b) The office of Hawaiian affairs shall establish,
21 design, and facilitate a training course relating to native
22 Hawaiian and Hawaiian traditional and customary rights, native



1 Hawaiian and Hawaiian natural resource protection and access
2 rights, and the public trust, including the State's trust
3 responsibility, that shall be designed specifically for the
4 council, board, and commission members to whom this part
5 applies.

6 (c) The training course shall include, but not be limited
7 to:

8 (1) Historical information, explanations, and discussions
9 of key state laws, state constitutional provisions,
10 and court rulings that reaffirm and provide for the
11 protection of native Hawaiian and Hawaiian rights; and

12 (2) A discussion of the importance of public trust
13 resources and various programs to native Hawaiian and
14 Hawaiian rights.

15 (d) The office of Hawaiian affairs shall:

16 (1) Develop the methods and prepare any materials
17 necessary to implement the training course;

18 (2) Administer the training course; and

19 (3) Notify each council, board, and commission member
20 enumerated in section 10-A that attendance in the
21 training course is required.



1 (e) The training course shall be conducted at least twice
2 in a calendar year.

3 (f) The office of Hawaiian affairs may repeat the training
4 course as necessary to accommodate all persons who are required
5 to attend.

6 (g) Each council, board, and commission chairperson shall
7 provide to the office of Hawaiian affairs, within thirty
8 calendar days upon their official appointment dates, the names
9 of those persons required to take the training course."

10 SECTION 3. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 4. This Act shall take effect on July 1, 2012.

15



Report Title:

Office of Hawaiian Affairs

Description:

Requires certain council, board, and commission members to take a training course offered by OHA relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust. Effective 7/1/2012.
(SD1)

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