
A BILL FOR AN ACT

RELATING TO TRAINING.

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 and be fully informed of their responsibilities.



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

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

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

19 (4) Assessing the policies and practices of other agencies
20 impacting on native Hawaiians and Hawaiians, and
21 conducting advocacy efforts for native Hawaiians and
22 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:

12 (1) To require members of appropriate state councils,
13 boards, and commissions to undergo training conducted
14 by the office of Hawaiian affairs on native Hawaiian
15 and Hawaiian rights, the source of these rights, and
16 how infringement of these rights impacts the native
17 Hawaiian and Hawaiian people; and

18 (2) To allow other state or county officers,
19 representatives, or employees to request to enroll in
20 the training course on a voluntary basis.



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

4 "PART . REQUIRED TRAINING RELATING TO NATIVE HAWAIIAN AND
5 HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS, NATIVE HAWAIIAN AND
6 HAWAIIAN NATURAL RESOURCE PROTECTION AND ACCESS RIGHTS, AND THE
7 STATE'S OBLIGATIONS UNDER THE PUBLIC TRUST

8 §10-A Applicability of training mandate. The training
9 mandate in this part shall apply to members of the land use
10 commission, board of land and natural resources, commission on
11 water resource management, environmental council, board of
12 directors of the agribusiness development corporation, board of
13 agriculture, legacy land conservation commission, natural area
14 reserves system commission, Hawaii historic places review board,
15 board of health, and board of directors of the public land
16 development corporation. The training mandate shall not apply
17 to any other officer, representative, or employee of the State.
18 Members of other state councils, boards, and commissions, and
19 any officer, representative, or employee of the State or
20 counties not subject to the training mandate may request to
21 enroll in the training course on a voluntary basis.



1 §10-B Mandatory training relating to native Hawaiian and
2 Hawaiian traditional and customary rights, natural resource
3 protection and access rights, and the public trust, including
4 the State's trust responsibility. (a) All council, board, and
5 commission members enumerated in section 10-A shall complete a
6 training course relating to native Hawaiian and Hawaiian rights
7 administered by the office of Hawaiian affairs within six months
8 of their official appointment date, as provided in this part.

9 (b) The office of Hawaiian affairs shall establish,
10 design, and administer, at its own expense, a training course
11 relating to native Hawaiian and Hawaiian traditional and
12 customary rights, native Hawaiian and Hawaiian natural resource
13 protection and access rights, and the public trust, including
14 the State's trust responsibility. The training course shall
15 include:

- 16 (1) Historical information, explanations, and discussions
17 of key state laws, state constitutional provisions,
18 and court rulings that reaffirm and provide for the
19 protection of native Hawaiian and Hawaiian rights; and
20 (2) A discussion of the importance of public trust
21 resources and various programs to native Hawaiian and
22 Hawaiian rights.



1 (c) The office of Hawaiian affairs shall, at its own
2 expense:

- 3 (1) Develop the methods and prepare any materials
4 necessary to implement the training course;
5 (2) Administer the training course; and
6 (3) Notify each council, board, and commission member
7 enumerated in section 10-A that attendance in the
8 training course is mandatory.

9 (d) The training course shall be conducted at least twice
10 per calendar year.

11 (e) The office of Hawaiian affairs may repeat the training
12 course as necessary to accommodate all persons who are required
13 to attend.

14 (f) Each council, board, and commission chairperson shall
15 provide to the office of Hawaiian affairs, within thirty
16 calendar days upon their official appointment dates, the names
17 of those persons required to take the training course."

18 SECTION 3. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



H.B. NO. 220

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Joseph M. Serio

By Request

JAN 17 2013



H.B. NO. 220

Report Title:

OHA Package; Mandatory Training

Description:

Requires OHA to establish, design, and administer a training course in native Hawaiian matters for specified members of boards, councils, and commissions. Requires those members to take the course within six months of their respective appointments.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

