
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 affect 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 fiduciary
11 duty to administer the public trust in the interest of the
12 beneficiaries, including native Hawaiians and Hawaiians. The
13 legislature finds that newly appointed members of these state
14 councils, boards, and commissions represent a broad range of
15 expertise and experience, but may not possess, upon their
16 appointment, knowledge of native Hawaiian and Hawaiian rights
17 and the public trust that would enable them to execute their
18 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 the office of Hawaiian affairs to
13 establish, design, and administer a training course on
14 native Hawaiian and Hawaiian rights, the source of
15 these rights, and how infringement of these rights
16 affects the native Hawaiian and Hawaiian people;
- 17 (2) To require members of appropriate state councils,
18 boards, and commissions to take the training course;
19 and
- 20 (3) To allow other state or county officers,
21 representatives, or employees to request to enroll in
22 the training course.



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 . TRAINING; CERTAIN BOARDS, COMMISSIONS,
5 AND COUNCILS; NATIVE HAWAIIAN AND HAWAIIAN TRADITIONAL
6 AND CUSTOMARY RIGHTS, NATURAL RESOURCE PROTECTION AND
7 ACCESS RIGHTS, AND THE PUBLIC TRUST

8 §10-A Training; applicability. (a) The training required
9 by this part shall apply to members of the land use commission,
10 board of land and natural resources, commission on water
11 resource management, environmental council, board of directors
12 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.

17 (b) Members of any state council, board, and commission,
18 and any officer, representative, or employee of the State or
19 county not subject to the training required in subsection (a)
20 may request to enroll in the training course.

21 §10-B Training relating to native Hawaiian and Hawaiian
22 traditional and customary rights, natural resources, and the



1 **public trust.** (a) All council, board, and commission members
2 identified in section 10-A(a) shall complete, within six months
3 of the date of the member's initial appointment, the training
4 course established under this section that is administered by
5 the office of Hawaiian affairs.

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

13 (1) Historical information, explanations, and discussions
14 of key state laws, state constitutional provisions,
15 and court rulings that reaffirm and provide for the
16 protection of native Hawaiian and Hawaiian rights; and

17 (2) Information on the importance of public trust
18 resources and various programs to native Hawaiian and
19 Hawaiian rights.

20 (c) The office of Hawaiian affairs shall, at its own
21 expense, develop the methods and prepare any materials necessary
22 to implement the training course, administer the training



1 course, and notify each council, board, and commission member
2 identified in section 10-A(a) that attendance in a training
3 course is mandatory.

4 (d) The office of Hawaiian affairs shall offer the
5 training course at least twice per year.

6 (e) The governor shall provide to the office of Hawaiian
7 affairs the names of the persons required to take the training
8 course pursuant to this part, within thirty calendar days of
9 their initial appointment."

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 upon its approval.



Report Title:

OHA Package; Mandatory Training

Description:

Requires OHA to establish, design, and administer a training course in native Hawaiian and Hawaiian rights and requires specified members of boards, councils, and commissions to take the course. (SB406 HD1)

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

