

STAND. COM. REP. NO.

432

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 406

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committees on Tourism and Hawaiian Affairs and Judiciary and Labor, to which was referred S.B. No. 406 entitled:

"A BILL FOR AN ACT RELATING TO TRAINING,"

beg leave to report as follows:

The purpose and intent of this measure is to require certain state councils, boards, and commissions administering resources and programs that directly impact native Hawaiian rights and resources to complete a training course in native Hawaiian and Hawaiian rights.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Department of Hawaiian Home Lands; West Hawaii Hawaiian Homes Commission; Association of Hawaiian Civic Clubs; Koolau Foundation; Community Alliance of Prisons; and one individual. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committees find that it is imperative that members of councils, boards, and commissions that administer programs and resources that affect native Hawaiians and Hawaiians are cognizant of the members' fiduciary duties with respect to protecting and preserving native Hawaiian and Hawaiian resources and rights. Your Committees conclude, however, that members of councils, boards, and commissions that administer those programs, rather than the Office of Hawaiian Affairs, are primarily responsible for



being adequately trained and knowledgeable in the protection and preservation of native Hawaiian and Hawaiian resources and rights.

Accordingly, your Committees have amended this measure by:

- (1) Requiring the members of councils, boards, and commissions that administer programs and resources that affect native Hawaiians and Hawaiian resources and rights to contract with the Office of Hawaiian Affairs, or a third party approved by the Office of Hawaiian Affairs, to administer the training program;
- (2) Authorizing the Office of Hawaiian Affairs, or the approved third party, to provide notification that the training course is mandatory and to charge fees to training course attendees to reimburse the Office of Hawaiian Affairs for costs expended to develop and administer the course;
- (3) Deleting the requirement that the training course be conducted at least twice per calendar year;
- (4) Requiring new members of councils, boards, and commissions to complete a training course within one year, as opposed to six months of their official appointment date;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Tourism and Hawaiian Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 406, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 406, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Tourism and  
Hawaiian Affairs and Judiciary  
and Labor,



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CLAYTON HEE, Chair




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BRICKWOOD GALUTERIA, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Tourism and Hawaiian Affairs**  
**THA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 406	THA/JDL, WAM	2/5/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
• GALUTERIA, Brickwood (C)	✓			
• KEITH-AGARAN, Gilbert S.C. (VC)	✓			
• HEE, Clayton	✓			
• KAHELE, Gilbert				✓
KIDANI, Michelle N.	✓			
• SHIMABUKURO, Maile S.L.	✓			
• SOLOMON, Malama	✓			
SLOM, Sam				✓
<b>TOTAL</b>	6	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original <input checked="" type="checkbox"/> File with Committee Report            Yellow Clerk's Office            Pink Drafting Agency            Goldenrod Committee File Copy				

\*Only one measure per Record of Votes

