
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 in part that
12 "[T]he 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
2 appropriate state appointees to fulfill their roles and
3 responsibilities, fully informed of their duties and
4 obligations, these state appointees should be required to
5 attending training.

6 The purpose of this Act is:

7 (1) To require members of appropriate state councils,
8 boards, and commissions to undergo training
9 administered or approved by the office of Hawaiian
10 affairs on native Hawaiian and Hawaiian rights, the
11 source of these rights, and how infringement of these
12 rights impacts the native Hawaiian and Hawaiian
13 people; and

14 (2) To allow other state or county officers,
15 representatives, or employees to request to enroll in
16 a training course on a voluntary basis.

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 AND**
21 **HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS, NATIVE HAWAIIAN AND**



1 **HAWAIIAN NATURAL RESOURCE PROTECTION AND ACCESS RIGHTS, AND THE**
2 **STATE'S OBLIGATIONS UNDER THE PUBLIC TRUST**

3 **§10-A Applicability of training mandate.** The training
4 mandate in this part shall apply to members of the land use
5 commission, board of land and natural resources, commission on
6 water resource management, environmental council, board of
7 directors of the agribusiness development corporation, board of
8 agriculture, legacy land conservation commission, natural area
9 reserves system commission, Hawaii historic places review board,
10 board of health, and board of directors of the public land
11 development corporation. The training mandate shall not apply
12 to any other officer, representative, or employee of the State.
13 Members of other state councils, boards, and commissions, and
14 any officer, representative, or employee of the State or
15 counties not subject to the training mandate may request to
16 enroll in the training course on a voluntary basis.

17 **§10-B Mandatory training relating to native Hawaiian and**
18 **Hawaiian traditional and customary rights, natural resource**
19 **protection and access rights, and the public trust, including**
20 **the State's trust responsibility.** (a) All council, board, and
21 commission members enumerated in section 10-A shall complete a
22 training course relating to native Hawaiian and Hawaiian rights



1 administered or approved by the office of Hawaiian affairs
2 within one year of the members' official appointment date, as
3 provided in this part.

4 (b) The office of Hawaiian affairs may either administer a
5 training course relating to native Hawaiian and Hawaiian
6 traditional and customary rights, native Hawaiian and Hawaiian
7 natural resource protection and access rights, and the public
8 trust, including the State's trust responsibility, or approve a
9 third party to administer the training course. The training
10 course shall include:

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

15 (2) A discussion of the importance of public trust
16 resources and various programs to native Hawaiian and
17 Hawaiian rights.

18 (c) The office of Hawaiian affairs may administer the
19 course and:

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

22 (2) Administer the training course;



1 (3) Notify each council, board, and commission member
2 enumerated in section 10-A that attendance in the
3 training course is mandatory; and

4 (4) Charge fees to participants of the course as needed to
5 fund costs of the course.

6 (d) If the office of Hawaiian affairs elects not to
7 administer the course, the course shall be administered by a
8 third party approved by the office of Hawaiian affairs. The
9 office of Hawaiian affairs, or the approved third party, may
10 notify each council, board, and commission member enumerated in
11 section 10-A that attendance in the training course is mandatory
12 and charge fees to participants of the course as needed to
13 reimburse the office of Hawaiian affairs for the costs of
14 developing and administering the course.

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

18 (f) Each council, board, and commission chairperson shall
19 provide to the office of Hawaiian affairs the name of each
20 person required to take the training course within thirty
21 calendar days of each person's official appointment date."



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

5 SECTION 4. This Act shall take effect on July 1, 2050.

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Report Title:

OHA Package; Mandatory Training

Description:

Requires the office of Hawaiian affairs to either administer or approve a third party to administer a mandatory training course in native Hawaiian and Hawaiian matters to certain state councils, boards, and commissions. Requires those members to take the course within one year of their respective appointments. Effective July 1, 2050. (SD1)

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