
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, 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 "[i]t 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 . . .

- 14 (3) Serving as the principal public agency in this State
15 responsible for the performance, development, and
16 coordination of programs and activities relating to
17 native Hawaiians and Hawaiians; except that the
18 Hawaiian Homes Commission Act, 1920, as amended, shall
19 be administered by the Hawaiian homes commission;
- 20 (4) Assessing the policies and practices of other agencies
21 impacting on native Hawaiians and Hawaiians, and



1 conducting advocacy efforts for native Hawaiians and
2 Hawaiians."

3 Therefore, the legislature finds that to prepare
4 appropriate state appointees to fulfill their roles and
5 responsibilities, fully informed of their duties and
6 obligations, these state appointees should be provided relevant
7 training relating to native Hawaiian and Hawaiian rights.

8 The purpose of this Act is to:

- 9 (1) Require members of appropriate state councils, boards,
10 and commissions to undergo training administered or
11 approved by the office of Hawaiian affairs on native
12 Hawaiian and Hawaiian rights, the source of these
13 rights, and how infringement of these rights impacts
14 the native Hawaiian and Hawaiian people; and
- 15 (2) Allow other state or county officers, representatives,
16 or employees to request to enroll in a training course
17 on a voluntary basis.

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

21 "PART . **MANDATED TRAINING RELATING TO NATIVE HAWAIIAN AND**
22 **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 Training; applicability. The training required by
4 this part shall apply to members of the land use commission,
5 board of land and natural resources, commission on water
6 resource management, environmental council, board of directors
7 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.

17 §10-B Training relating to native Hawaiian and Hawaiian
18 traditional and customary rights, natural resources, and the
19 public trust. (a) Each council, board, and commission member
20 enumerated in section 10-A shall complete a training course
21 relating to native Hawaiian and Hawaiian rights administered or



1 approved by the office within one year of the member's initial
2 appointment date, as provided in this part.

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

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

14 (2) Information on the importance of public trust
15 resources and various programs to native Hawaiian and
16 Hawaiian rights.

17 (c) If the office elects to administer the training
18 course, the office may:

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



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

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

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

14 (e) The office may:

15 (1) Repeat the training course as necessary; and

16 (2) Offer an abbreviated training course directly to a
17 council, board, or commission,

18 to accommodate all persons who are required to attend.

19 (f) Each council, board, and commission chairperson shall
20 provide to the office the name of each person required to take
21 the training course within thirty calendar days of each person's
22 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.



Report Title:

OHA Package; Mandatory Training

Description:

Requires OHA to either administer or approve a third party to administer a mandatory training course in native Hawaiian and Hawaiian matters to members of certain state councils, boards, and commissions. Requires those members to take the course within one year of their respective appointments. Effective 07/01/2050. (SD2)

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