
A BILL FOR AN ACT

RELATING TO TRAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In Act 169, Session Laws of Hawaii 2015 (Act
2 169), the legislature found that pursuant to Hawaii's
3 constitution, statutes, and case law, the State recognizes a
4 mandate to protect native Hawaiian and Hawaiian traditional and
5 customary rights. Accordingly, Act 169 amended chapter 10,
6 Hawaii Revised Statutes, to require the office of Hawaiian
7 affairs to establish, design, and administer a training course
8 on native Hawaiian and Hawaiian rights, the sources of these
9 rights, and how infringement of these rights affects the native
10 Hawaiian and Hawaiian people. Act 169 required members of
11 certain state councils, boards, and commissions to take the
12 training course, and allowed other state or county officers,
13 representatives, or employees to request to enroll in the
14 training course.

15 The legislature finds that the training course required by
16 Act 169 has been implemented and has been well-attended and
17 well-received. Attendees report that the course gave them a



1 better understanding of the State's legal responsibilities to
2 native Hawaiians; Hawaii's political history; the public land
3 trust; native Hawaiian traditional and customary rights;
4 Hawaii's water laws and the public trust doctrine; laws relating
5 to native Hawaiian burials; and attendees' kuleana as decision-
6 makers, lawmakers, and government staff. Policymakers, staff,
7 and community members continue to request similar trainings.
8 Special trainings have also been provided upon request to the
9 governor and the governor's cabinet and the board of regents of
10 the University of Hawaii.

11 In light of the successful implementation of the training
12 program and the importance of extending its benefits as widely
13 as possible to those whose kuleana requires an understanding of
14 native Hawaiian rights, the purpose of this Act is to require
15 certain additional government decision-makers at both the state
16 and county levels to attend the training established by Act 169.

17 In recognition of the State's policy for open governmental
18 processes, where the ultimate decision-making power has vested
19 in the people, the training course described by this Act is not
20 intended to constitute a meeting pursuant to chapter 92, Hawaii
21 Revised Statutes, provided that board and commission members who



1 attend the training course do not decide or deliberate toward a
2 decision upon any matter over which their respective boards have
3 supervision, control, jurisdiction, or advisory power. It is
4 the intent of this Act to convene participating government
5 officials for the purpose of training.

6 SECTION 2. Section 10-41, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§10-41[+] **Training; applicability.** (a) The training
9 required by this part shall apply to the following:

- 10 (1) The members of the land use commission, board of land
11 and natural resources, commission on water resource
12 management, environmental council, board of directors
13 of the agribusiness development corporation, board of
14 agriculture, legacy land conservation commission,
15 natural area reserves system commission, Hawaii
16 historic places review board, and board of health[-];
17 (2) The first deputy, deputy for water, and the division
18 heads of the department of land and natural resources;
19 (3) The director, deputy director of administration,
20 deputy director of airports, deputy director of



- 1 harbors, and deputy director of highways of the
- 2 department of transportation;
- 3 (4) The director, deputy director for administration,
- 4 deputy director of health, deputy director for
- 5 environmental health administration, and environmental
- 6 management division chief of the department of health;
- 7 (5) The heads of the county planning departments; and
- 8 (6) The members of the county councils and the county
- 9 planning commissions."

10 SECTION 3. Section 10-42, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "~~§~~10-42 Training relating to native Hawaiian and
 13 Hawaiian traditional and customary rights, natural resources and
 14 access rights, and the public trust. (a) All council, board,
 15 and commission members identified in section ~~10-41(a)~~
 16 10-41(a)(1) shall complete the training course administered by
 17 the office of Hawaiian affairs pursuant to this section within
 18 twelve months of the date of the member's initial appointment.
 19 All persons identified in section 10-41(a)(2) through (6) shall
 20 complete the training course within twelve months of the date of
 21 hire, initial appointment, or initial taking of elected office,



1 as applicable; provided that all non-appointed persons
2 identified in section 10-41(a) (2) through (5) who were already
3 serving in their positions on the effective date of this Act
4 shall complete the training course within twelve months of the
5 effective date of this Act.

6 (b) The office of Hawaiian affairs, at its own expense,
7 shall establish, design, and administer a training course
8 relating to native Hawaiian and Hawaiian traditional and
9 customary rights, native Hawaiian and Hawaiian natural resource
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) A discussion of the importance of public trust
18 resources and various programs to native Hawaiian and
19 Hawaiian rights.

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



1 implement the training course, administer the training course,
2 and notify each [~~council, board, and commission~~] person
3 identified in section 10-41(a) that attendance in a training
4 course is mandatory.

5 (d) The office of Hawaiian affairs shall offer the
6 training course at least twice per year. Upon designation of a
7 date, time, and location of a training course, the office of
8 Hawaiian affairs shall notify the governor and the mayors of the
9 several counties of the availability of the training course and
10 the date, time, and location of the course. Upon notification,
11 the governor and mayors shall notify the administrative heads,
12 deputies, and other officials in their respective
13 administrations who are not mandated by this part to complete
14 the course of the availability, time, date, and location of the
15 course and encourage them to complete the course.

16 (e) The governor shall provide to the office of Hawaiian
17 affairs the names of persons required to take the training
18 course pursuant to [~~this part~~] section 10-41(a) (1) through (4)
19 within thirty calendar days of their initial appointment [by the
20 governor.] or hire; provided that the names of non-appointed
21 persons identified in section 10-41(a) (2) through (4) who were



1 already serving in their positions on the effective date of this
2 Act shall be provided within thirty days of the effective date
3 of this Act. The county mayors shall provide to the office of
4 Hawaiian affairs the names of persons within their respective
5 counties who are required to take the training course pursuant
6 to section 10-41(a) (5) through (6) within thirty calendar days
7 of their initial appointment, election, or hire; provided that
8 the names of non-appointed persons identified in section
9 10-41(a) (5) who were already serving in their positions on the
10 effective date of this Act shall be provided within thirty days
11 of the effective date of this Act."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15



Report Title:

OHA Package; Cultural Training; State and County Officials

Description:

Requires certain additional government decision-makers at both the state and county levels to complete the office of Hawaiian affairs' training courses on native Hawaiian and Hawaiian rights established by Act 169, SLH 2015. Requires the office of Hawaiian affairs, upon designation of a date, time, and location of a training course, to notify the governor and the mayors of the several counties of the availability of the training course and the date, time, and location of the course. Requires the governor and mayors, upon notification, to notify the administrative heads, deputies, and other officials in their respective administrations who are not mandated to complete the course, of the availability, time, date, and location of the course and encourage them to complete the course. (SD1)

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