

STAND. COM. REP. NO. 2974

Honolulu, Hawaii

MAR 20 2018

RE: H.B. No. 1999
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs, Labor, and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1999, H.D. 2, 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 additional government officials in decision-making positions at the state and county levels to participate in a training course on 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; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Kuakini Hawaiian Civic Club; Ho'omanopono Political Action Committee; Ka Lāhui Hawaii Political Action Committee; Ho'omana Pono, LLC; and three individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from one member of the Maui County Council.

Your Committees find that Act 169, Session Laws of Hawaii 2015, requires certain state and county officials to participate



in a training course focused on native Hawaiian and Hawaiian rights. Your Committees further find that the training course has received positive reactions from those who have participated, and participants indicated that the training course gave them a better understanding of their responsibilities to the Hawaiian community. Given the positive reaction and the importance of the training course, your Committees believe that the scope of officials statutorily mandated to participate in the training course should be expanded in order to better inform public officials who affect the daily lives of native Hawaiians through their professional decisions.

Your Committees received testimony suggesting that the attendance by two or more county council members at the training course requires the Sunshine Law to also be considered or, as an alternative, requires that the training course be exempt from the Sunshine Law, because the training encompasses issues that are or may become board business. Your Committees note that the Office of Hawaiian Affairs stated in their oral testimony that upon an analysis done on S.B. No. 2134 (Regular Session of 2018), a bill with substantially similar content, the training course does comply with the Sunshine Law as it does not deal with "matters relating to official board business" and is only a training course.

Your Committees recognize the concern of the Office of Hawaiian Affairs that requiring judges to participate in the training course can potentially jeopardize a safe learning environment and will greatly increase the cost of the course, which the Office of Hawaiian Affairs voluntarily funds out of the Native Hawaiian Trust Fund. However, your Committees believe that judges play an important role in the lives of native Hawaiians and can benefit greatly from participating in the training course.

Your Committees find that providing training to judges falls under the intent of the training course and requests your Committee on Ways and Means to examine the possibility of providing general funds as a cost-sharing mechanism to supplement funding from the Native Hawaiian Trust Fund in order to make the training course available to judges.

Your Committees have amended this measure by:



- (1) Inserting an appropriation of an unspecified amount for the Office of Hawaiian Affairs to plan and implement the training course; and
- (2) 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 Hawaiian Affairs, Labor, and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1999, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1999, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs,
Labor, and Public Safety,
Intergovernmental, and Military
Affairs,



JILL N. TOKUDA, Chair



MAILE S.L. SHIMABUKURO, Chair

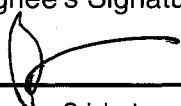


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i


Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:	
<i>HB 1999 HD2</i>	<i>HWN/LBR/PSM,WAM</i>	<i>3/13/2018</i>	
<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			
SHIMABUKURO, Maile S.L. (C)	✓		
GALUTERIA, Brickwood (VC)	✓		
ENGLISH, J. Kalani			✓
GREEN, Josh			✓
RIVIERE, Gil	✓		
TOTAL	3		2
Recommendation:			
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted	
Chair's or Designee's Signature:			
			
Distribution:			
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* HB1999, HD2	Committee Referral: HWN/LBR/PSM, WAM	Date: 3/13/18		
<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
TOKUDA, Jill N. (C)	/			
ENGLISH, J. Kalani (VC)				/
CHANG, Stanley	/			
IHARA, Jr., Les				/
TANIGUCHI, Brian T.	/			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

