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# A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

**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, fully informed of their responsibilities.



1 Chapter 10, Hawaii Revised Statutes, provides that the  
2 office of Hawaiians 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:

6 "It shall be the duty and responsibility of all state  
7 departments and instrumentalities of state government  
8 providing services and programs which affect native  
9 Hawaiians and Hawaiians to actively work toward the goals  
10 of this chapter and to cooperate with and assist wherever  
11 possible the office of Hawaiian affairs."

12 Section 10-3, Hawaii Revised Statutes, states that the  
13 purposes of the office of Hawaiian affairs include:

- 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 these  
4           state appointees to fulfill their roles and responsibilities,  
5           fully informed of their duties and obligations, these state  
6           appointees should be provided with training.

7           The legislature further finds that the office of Hawaiian  
8           affairs is the appropriate agency to train and educate the  
9           members of appropriate councils, boards, and commissions about  
10          native Hawaiian and Hawaiian traditional and customary rights,  
11          natural resource protection and access rights, and the public  
12          trust.

13          The purpose of this Act is to require members of  
14          appropriate state councils, boards, and commissions to undergo  
15          training conducted by the office of Hawaiian affairs on native  
16          Hawaiian and Hawaiian rights, the source of these rights, and  
17          how infringement of these rights impacts the native Hawaiian and  
18          Hawaiian people.

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



1       **"PART . REQUIRED TRAINING RELATING TO NATIVE HAWAIIAN**  
2                   **AND HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS,**  
3                   **NATIVE HAWAIIAN AND HAWAIIAN NATURAL RESOURCE PROTECTION**  
4                   **AND ACCESS RIGHTS, AND THE STATE'S OBLIGATIONS**  
5                   **UNDER THE PUBLIC TRUST**

6       **§10-A Applicability of part.** This part applies to members  
7 of the board of land and natural resources, the commission on  
8 water resource management, the legacy land conservation  
9 commission, the natural area reserves system commission, and the  
10 Hawaii historic places review board. This part does not apply  
11 to any other officer, representative, or employee of the State.

12       **§10-B Mandatory training relating to native Hawaiian and**  
13 **Hawaiian traditional and customary rights, natural resource**  
14 **protection and access rights, and the public trust, including**  
15 **the State's trust responsibility.** (a) All council, board, and  
16 commission members enumerated in section 10-A shall complete a  
17 training course relating to native Hawaiian and Hawaiian rights  
18 administered by the office of Hawaiian affairs within six months  
19 of their official appointment date, as provided in this part.

20       (b) The office of Hawaiian affairs shall establish,  
21 design, and facilitate a training course relating to native  
22 Hawaiian and Hawaiian traditional and customary rights, native



1 Hawaiian and Hawaiian natural resource protection and access  
2 rights, and the public trust, including the State's trust  
3 responsibility, designed specifically for the council, board,  
4 and commission members to whom this part applies.

5 (c) The training course shall include, but not be limited  
6 to:

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

11 (2) A discussion of the importance of public trust  
12 resources and various programs to native Hawaiian and  
13 Hawaiian rights.

14 (d) The office of Hawaiian affairs shall:

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

17 (2) Administer the training course; and

18 (3) Notify each council, board, and commission member  
19 enumerated in section 10-A that attendance in the  
20 training course is required.

21 (e) The training course shall be conducted at least twice  
22 in a calendar year.



1           (f) The office of Hawaiian affairs may repeat the training  
2 course as necessary to accommodate all persons who are required  
3 to attend.

4           (g) Each council, board, and commission chairperson shall  
5 provide to the office of Hawaiian affairs, within thirty  
6 calendar days upon their official appointment dates, the names  
7 of those persons required to take the training course."

8           SECTION 3. In codifying the new sections added by section  
9 2 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

12           SECTION 4. This Act shall take effect on January 7, 2059.



**Report Title:**

Office of Hawaiian Affairs

**Description:**

Requires certain council, board, and commission members to take a training course offered by OHA relating to native Hawaiian traditional and customary rights, natural resource protection and access rights, and the public trust. Effective January 7, 2059. (HB396 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

