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

14       The legislature further finds that the training course  
15 required by Act 169 has been well-attended and well-received  
16 since its implementation. Attendees report that the course gave  
17 them a better understanding of the State's legal



1 responsibilities to native Hawaiians, Hawaii's political  
2 history, the public land trust, native Hawaiian traditional and  
3 customary rights, Hawaii's water laws, laws relating to native  
4 Hawaiian burials, and attendees' kuleana as decision-makers,  
5 lawmakers, and government staff. Furthermore, policy-makers and  
6 community members continue to request similar trainings.  
7 Special trainings were also provided to the governor and his  
8 cabinet and the board of regents of the university of Hawaii  
9 upon request. In light of the training program's success, it is  
10 important to extend its benefits as widely as possible to those  
11 whose kuleana requires an understanding of native Hawaiian  
12 rights.

13 The purpose of this Act is to require certain government  
14 decision-makers at both the state and county levels to attend a  
15 training course on native Hawaiian and Hawaiian rights.

16 SECTION 2. Section 10-41, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) The training required by this part shall apply to the  
19 following:

20 (1) The members of the land use commission, board of land  
21 and natural resources, commission on water resource



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1 management, environmental council, board of directors  
2 of the agribusiness development corporation, board of  
3 agriculture, legacy land conservation commission,  
4 natural area reserves system commission, Hawaii  
5 historic places review board, and board of health[-];

6 (2) The director, deputy, and division heads of the  
7 department of land and natural resources;

8 (3) The director, deputy director of administration,  
9 deputy director of airports, deputy director of  
10 harbors, and deputy director of highways of the  
11 department of transportation;

12 (4) The director, deputy director of administration,  
13 deputy director of health, deputy director of  
14 environmental health administration, and environmental  
15 management division chief of the department of health;

16 (5) The director and deputy directors of the county  
17 planning departments;

18 (6) The members of the county councils and the county  
19 planning commissions;

20 (7) State legislators;

21 (8) City and county managing directors; and



1        (9) State directors, deputy directors, and division heads  
2        of state departments not listed in section 10-41(a)(1)  
3        through (4)."

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

6        "[~~f~~]**\$10-42[~~f~~]** **Training relating to native Hawaiian and**  
7 **Hawaiian traditional and customary rights, natural resources and**  
8 **access rights, and the public trust.** (a) All council, board,  
9 and commission members identified in section [~~10-41(a)~~] 10-  
10 41(a)(1) shall complete the training course administered by the  
11 office of Hawaiian affairs pursuant to this section within  
12 twelve months of the date of the member's initial appointment.  
13 All persons identified in sections 10-41(a)(2) through (7) shall  
14 complete the training course within twelve months of the date of  
15 hire, initial appointment, or initial taking of elected office,  
16 as applicable; provided that all non-appointed persons  
17 identified in sections 10-41(a)(2) through (7) who were already  
18 serving in their positions at the time of enactment of this  
19 section shall complete the training course within twelve months  
20 of the date of enactment of this section.



1           (b) The office of Hawaiian affairs, at its own expense,  
2 shall establish, design, and administer a training course  
3 relating to native Hawaiian and Hawaiian traditional and  
4 customary rights, native Hawaiian and Hawaiian natural resource  
5 protection and access rights, and the public trust, including  
6 the State's trust responsibility. The training course shall  
7 include:

- 8           (1) Historical information, explanations, and discussions  
9               of key state laws, state constitutional provisions,  
10              and court rulings that reaffirm and provide for the  
11              protection of native Hawaiian and Hawaiian rights; and  
12           (2) A discussion of the importance of public trust  
13               resources and various programs to native Hawaiian and  
14              Hawaiian rights.

15           (c) The office of Hawaiian affairs, at its own expense,  
16 shall develop the methods and prepare any materials necessary to  
17 implement the training course, administer the training course,  
18 and notify each [~~council, board, and commission~~] person  
19 identified in section 10-41(a) that attendance in a training  
20 course is mandatory.



1 (d) The office of Hawaiian affairs shall offer the  
2 training course at least twice per year.

3 (e) The governor shall provide to the office of Hawaiian  
4 affairs the names of persons required to take the training  
5 course pursuant to sections 10-41(a)(1) through (7) of this part  
6 within thirty calendar days of their initial appointment [by the  
7 governor.] or hire, provided that the names of non-appointed  
8 persons identified in sections 10-41(a)(2) through (7) who were  
9 already serving in their positions at the time of enactment of  
10 this section shall be provided within thirty days of the date of  
11 enactment of this section. The county mayors shall provide to  
12 the office of Hawaiian affairs the names of persons within their  
13 respective counties who are required to take the training course  
14 pursuant to sections 10-41(a)(5) and (6) of this part within  
15 thirty calendar days of their initial appointment, election, or  
16 hire; provided that the names of non-appointed persons  
17 identified in section 10-41(a)(5) who were already serving in  
18 their positions at the time of enactment of this section shall  
19 be provided within thirty days of the date of enactment of this  
20 section."



1        SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3        SECTION 5. This Act shall take effect upon its approval.  
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# H.B. NO. 1999

**Report Title:**

Training; Native Hawaiian and Hawaiian Rights; Office of  
Hawaiian Affairs

**Description:**

Requires certain government decision-makers at the state and  
county levels to attend a training course on native Hawaiian and  
Hawaiian rights.

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not legislation or evidence of legislative intent.*

