
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 and county officers,
13 representatives, 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. Chapter 10, Hawaii Revised Statutes, is amended
17 by amended the title of part III to read as follows:

18 "[+]PART III.[+] TRAINING; CERTAIN BOARDS, COMMISSIONS,
19 [~~AND~~] COUNCILS[+], AND PUBLIC OFFICIALS; NATIVE HAWAIIAN AND
20 HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS, NATURAL RESOURCE
21 PROTECTION AND ACCESS RIGHTS, AND THE PUBLIC TRUST"



1 SECTION 3. Section 10-41, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

5 (1) The members of the land use commission, board of land
6 and natural resources, commission on water resource
7 management, environmental council, board of directors
8 of the agribusiness development corporation, board of
9 agriculture, legacy land conservation commission,
10 natural area reserves system commission, Hawaii
11 historic places review board, and board of health[-];

12 (2) The deputy directors and division heads of the
13 department of land and natural resources;

14 (3) The director, deputy director of administration,
15 deputy director of airports, deputy director of
16 harbors, and deputy director of highways of the
17 department of transportation;

18 (4) The director, deputy director for administration,
19 deputy director of health, deputy director for
20 environmental health administration, and environmental
21 management division chief of the department of health;



- 1 (5) State legislators;
- 2 (6) Judges;
- 3 (7) The directors and deputy directors of the county
- 4 planning departments;
- 5 (8) The members of the county councils and the county
- 6 planning commissions;
- 7 (9) County managing directors; and
- 8 (10) Directors, deputy directors, and division heads of
- 9 state departments not listed in paragraphs (1) through
- 10 (4)."

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

13 "[+]§10-42[+] Training relating to native Hawaiian and
 14 Hawaiian traditional and customary rights, natural resources and
 15 access rights, and the public trust. (a) All council, board,
 16 and commission members identified in section [~~10-41(a)~~] 10-
 17 41(a)(1) shall complete the training course administered by the
 18 office of Hawaiian affairs pursuant to this section within
 19 twelve months of the date of the member's initial appointment.
 20 All persons identified in section 10-41(a)(2) through (7) shall
 21 complete the training course within twelve months of the date of



1 hire, initial appointment, or initial taking of elected office,
2 as applicable; provided that all non-appointed persons
3 identified in section 10-41(a) (2) through (7) who were already
4 serving in their positions at the time of enactment of this Act
5 shall complete the training course within twelve months of the
6 date of enactment of this Act.

7 (b) The office of Hawaiian affairs, at its own expense,
8 shall establish, design, and administer a training course
9 relating to native Hawaiian and Hawaiian traditional and
10 customary rights, native Hawaiian and Hawaiian natural resource
11 protection and access rights, and the public trust, including
12 the State's trust responsibility. The training course shall
13 include:

- 14 (1) Historical information, explanations, and discussions
15 of key state laws, state constitutional provisions,
16 and court rulings that reaffirm and provide for the
17 protection of native Hawaiian and Hawaiian rights; and
- 18 (2) A discussion of the importance of public trust
19 resources and various programs to native Hawaiian and
20 Hawaiian rights.



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

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

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



1 provided that the names of non-appointed persons identified in
2 section 10-41(a) (7) who were already serving in their positions
3 at the time of enactment of this Act shall be provided within
4 thirty days of the date of enactment of this Act."

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2018-2019 for
8 the office of Hawaiian affairs to plan and implement the
9 training course, pursuant to chapter 10, part III, Hawaii
10 Revised Statutes.

11 The sum appropriated shall be expended by the office of
12 Hawaiian affairs for the purposes of this Act.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on January 1, 2050.



Report Title:

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

Description:

Requires certain government decision-makers at the state and
county levels to attend a training course on native Hawaiian and
Hawaiian rights. Appropriates funds for the office of Hawaiian
affairs to plan and implement the training course. Takes effect
on 1/1/2050. (SD1)

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not legislation or evidence of legislative intent.*

