

JAN 23 2015

A BILL FOR AN ACT

RELATING TO TRAINING.

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 fiduciary
11 duty to administer the public trust in the interest of the
12 beneficiaries, including native Hawaiians and Hawaiians. The
13 legislature finds that newly appointed members of these state
14 councils, boards, and commissions represent a broad range of
15 expertise and experience and therefore may not possess, upon
16 their appointment, knowledge of native Hawaiian and Hawaiian



1 rights and the public trust that would enable them to execute
2 their roles and be fully informed of their responsibilities.

3 Chapter 10, Hawaii Revised Statutes, indicates that the
4 office of Hawaiian affairs is the principal public agency
5 responsible for ensuring that other state agencies protect
6 native Hawaiian and Hawaiian rights. Section 10-1(b), Hawaii
7 Revised Statutes, specifies that "[i]t shall be the duty and
8 responsibility of all state departments and instrumentalities of
9 state government providing services and programs which affect
10 native Hawaiians and Hawaiians to actively work toward the goals
11 of this chapter and to cooperate with and assist wherever
12 possible the office of Hawaiian affairs."

13 Section 10-3, Hawaii Revised Statutes, states:

14 "The purposes of the office of Hawaiian affairs include:

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16 (3) Serving as the principal public agency in this
17 State responsible for the performance,
18 development, and coordination of programs and
19 activities relating to native Hawaiians and
20 Hawaiians; except that the Hawaiian Homes



1 Commission Act, 1920, as amended, shall be
2 administered by the Hawaiian homes commission;
3 (4) Assessing the policies and practices of other
4 agencies impacting on native Hawaiians and
5 Hawaiians, and conducting advocacy efforts for
6 native Hawaiians and Hawaiians[.]"

7 Therefore, the legislature finds that to prepare these
8 state appointees to fulfill their roles and responsibilities,
9 fully informed of their duties and obligations, these state
10 appointees should be provided with training.

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

17 The purpose of this Act is to:

18 (1) Require the office of Hawaiian affairs to establish,
19 design, and administer a training course on native
20 Hawaiian and Hawaiian rights, the source of these



1 rights, and how infringement of these rights affects
2 the native Hawaiian and Hawaiian people;

3 (2) Require members of appropriate state councils, boards,
4 and commissions to take the training course; and

5 (3) Allow other state or county officers, representatives,
6 or employees to request to enroll in the training
7 course.

8 The legislature finds that since January 2013, the office
9 of Hawaiian affairs has offered three such training courses,
10 which have attracted attendees representing a broad spectrum of
11 state and county government officials. An overwhelming majority
12 of attendees that completed surveys expressed their satisfaction
13 with the training course's content, materials, and
14 presentations. Furthermore, attendees agreed that the training
15 course helped them to better understand native Hawaiian and
16 Hawaiian traditional and customary rights, natural resource
17 protection, access rights, and the public trust. Finally, the
18 number of requests to attend the three courses already offered
19 and the numerous inquiries regarding additional courses reflect
20 a substantial demand for training.



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

4 "PART . TRAINING; CERTAIN BOARDS, COMMISSIONS,
5 AND COUNCILS; NATIVE HAWAIIAN AND HAWAIIAN TRADITIONAL
6 AND CUSTOMARY RIGHTS, NATURAL RESOURCE PROTECTION AND
7 ACCESS RIGHTS, AND THE PUBLIC TRUST

8 §10-A Training; applicability. (a) The training required
9 by this part shall apply to members of the land use commission,
10 board of land and natural resources, commission on water
11 resource management, environmental council, board of directors
12 of the agribusiness development corporation, board of
13 agriculture, legacy land conservation commission, natural area
14 reserves system commission, Hawaii historic places review board,
15 and board of health.

16 (b) Members of any state council, board, and commission,
17 and any officer, representative, or employee of the State or
18 counties not subject to the training required in subsection (a)
19 may request to enroll in the training course.

20 §10-B Training relating to native Hawaiian and Hawaiian
21 traditional and customary rights, natural resources, and the



1 **public trust.** (a) All council, board, and commission members
2 identified in section 10-A(a) shall complete, within twelve
3 months of the date of the member's initial appointment, the
4 training course administered by the office of Hawaiian affairs
5 pursuant to this section.

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 member identified
3 in section 10-A(a) that attendance in a training course is
4 mandatory.

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

7 (e) The governor shall provide to the office of Hawaiian
8 affairs the names of the persons required to take the training
9 course pursuant to this part, within thirty calendar days of
10 their initial appointment."

11 SECTION 3. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Amie Mercado*
By Request



Report Title:

OHA Package; Native Hawaiian and Hawaiian Rights; Training Course

Description:

Requires OHA to administer a training course on native Hawaiian and Hawaiian rights. Requires members of certain state councils, boards, and commissions to attend the training course.

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

