



**GOV. MSG. NO. 1270**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 30, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 30, 2015, the following bill was signed into law:

HB207 HD2 SD2 CD1

RELATING TO TRAINING  
**ACT 169 (15)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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SENATE  
OFFICE OF THE PRESIDENT

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RECEIVED  
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CLERK'S OFFICE  
STATE OF HAWAII

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



1 Chapter 10, Hawaii Revised Statutes, indicates that the  
 2 office of Hawaiian 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 "[i]t shall be the duty and  
 6 responsibility of all state departments and instrumentalities of  
 7 state government providing services and programs which affect  
 8 native Hawaiians and Hawaiians to actively work toward the goals  
 9 of this chapter and to cooperate with and assist wherever  
 10 possible the office of Hawaiian affairs."

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

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

13 . . . .

14 (3) Serving as the principal public agency in this  
 15 State responsible for the performance,  
 16 development, and coordination of programs and  
 17 activities relating to native Hawaiians and  
 18 Hawaiians; except that the Hawaiian Homes  
 19 Commission Act, 1920, as amended, shall be  
 20 administered by the Hawaiian homes commission;



1           (4) Assessing the policies and practices of other  
2           agencies impacting on native Hawaiians and  
3           Hawaiians, and conducting advocacy efforts for  
4           native Hawaiians and Hawaiians[.]"

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

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

15          The purpose of this Act is to:

16          (1) Require the office of Hawaiian affairs to establish,  
17          design, and administer a training course on native  
18          Hawaiian and Hawaiian rights, the source of these  
19          rights, and how infringement of these rights affects  
20          the native Hawaiian and Hawaiian people;



- 1           (2) Require members of appropriate state councils, boards,  
2                   and commissions to take the training course; and
- 3           (3) Allow other state or county officers, representatives,  
4                   or employees to request to enroll in the training  
5                   course.

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

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 . TRAINING; CERTAIN BOARDS, COMMISSIONS,  
2 AND COUNCILS; NATIVE HAWAIIAN AND HAWAIIAN TRADITIONAL  
3 AND CUSTOMARY RIGHTS, NATURAL RESOURCE PROTECTION AND  
4 ACCESS RIGHTS, AND THE PUBLIC TRUST

5 §10-A Training; applicability. (a) The training required  
6 by this part shall apply to members of the land use commission,  
7 board of land and natural resources, commission on water  
8 resource management, environmental council, board of directors  
9 of the agribusiness development corporation, board of  
10 agriculture, legacy land conservation commission, natural area  
11 reserves system commission, Hawaii historic places review board,  
12 and board of health.

13 (b) Members of any state council, board, or commission,  
14 and any officer, representative, or employee of the State or  
15 counties not subject to the training required in subsection (a)  
16 may request to enroll in the training course administered by the  
17 office of Hawaiian affairs pursuant to section 10-B.

18 §10-B Training relating to native Hawaiian and Hawaiian  
19 traditional and customary rights, natural resources and access  
20 rights, and the public trust. (a) All council, board, and  
21 commission members identified in section 10-A(a) shall complete



1 the training course administered by the office of Hawaiian  
2 affairs pursuant to this section within twelve months of the  
3 date of the member's initial appointment.

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

11 (1) Historical information, explanations, and discussions  
12 of key state laws, state constitutional provisions,  
13 and court rulings that reaffirm and provide for the  
14 protection of native Hawaiian and Hawaiian rights; and

15 (2) A discussion of the importance of public trust  
16 resources and various programs to native Hawaiian and  
17 Hawaiian rights.

18 (c) The office of Hawaiian affairs, at its own expense,  
19 shall develop the methods and prepare any materials necessary to  
20 implement the training course, administer the training course,  
21 and notify each council, board, and commission identified in





1 section 10-A(a) that attendance in a training course is  
2 mandatory.

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

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

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

13 SECTION 4. This Act shall take effect on July 1, 2015.

APPROVED this 30 day of JUN , 2015



GOVERNOR OF THE STATE OF HAWAII

