
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 or county officers, representatives, or
13 employees to request to enroll in the training course.

14 The training course required by Act 169 has been
15 implemented and has been well-attended and well-received.
16 Attendees report that the course gave them a better
17 understanding of the State's legal responsibilities to native



1 Hawaiians; Hawaii's political history; the public land trust;
2 native Hawaiian traditional and customary rights; Hawaii's water
3 laws and the public trust doctrine; laws relating to native
4 Hawaiian burials; and attendees' kuleana as decision-makers,
5 lawmakers, and government staff. Policymakers, staff, and
6 community members continue to request similar training. Special
7 training has also been provided upon request to the governor and
8 the governor's cabinet and the board of regents of the
9 University of Hawaii.

10 In light of the successful implementation of the training
11 program and the importance of extending its benefits as widely
12 as possible to those whose kuleana requires an understanding of
13 native Hawaiian rights, the purpose of this Act is to require
14 certain additional government decision-makers at both the state
15 and county levels to attend the training established by Act 169.

16 In recognition of the State's policy for open governmental
17 processes, in which the ultimate decision-making power is vested
18 in the people, the training course described by this Act is not
19 intended to constitute a meeting pursuant to chapter 92, Hawaii
20 Revised Statutes; provided that board and commission members who
21 attend the training course do not decide or deliberate toward a



1 decision upon any matter over which their respective boards have
2 supervision, control, jurisdiction, or advisory power. It is
3 the intent of this Act to convene participating government
4 officials for the purpose of training.

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

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

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

16 (2) The division heads of the department of land and
17 natural resources;

18 (3) The director, deputy director of administration,
19 deputy director of airports, deputy director of
20 harbors, and deputy director of highways of the
21 department of transportation;



- 1 (4) The director, deputy director of health, deputy
2 director for administration, deputy director for
3 environmental health administration, and environmental
4 management division chief of the department of health;
5 (5) The heads of the county planning departments; and
6 (6) The members of the county councils and the county
7 planning commissions."

8 SECTION 3. Section 10-42, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) All council, board, and commission members identified
12 in section [~~10-41(a)~~] 10-41(a)(1) shall complete the training
13 course administered by the office of Hawaiian affairs pursuant
14 to this section within twelve months of the date of the member's
15 initial appointment. All persons identified in section 10-
16 41(a)(2) through (6) shall complete the training course within
17 twelve months of the date of hire, initial appointment, or
18 initial taking of elected office, as applicable; provided that
19 all non-appointed persons identified in section 10-41(a)(2)
20 through (5) who were already serving in their positions on the
21 effective date of this Act shall complete the training course



1 within twelve months of the effective date of Act , Session
2 Laws of Hawaii 2018."

3 2. By amending subsection (c) to read:

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

10 3. By amending subsection (e) to read:

11 "(e) The governor shall provide to the office of Hawaiian
12 affairs the names of persons required to take the training
13 course pursuant to [~~this part~~] section 10-41(a)(1) through (4)
14 within thirty calendar days of their initial appointment [by the
15 governor.] or hire; provided that the names of non-appointed
16 persons identified in section 10-41(a)(2) through (4) who were
17 already serving in their positions on the effective date of Act
18 , Session Laws of Hawaii 2018, shall be provided within
19 thirty days of the effective date of Act , Session Laws of
20 Hawaii 2018. The county mayors shall provide to the office of
21 Hawaiian affairs the names of persons within their respective



1 counties who are required to take the training course pursuant
2 to section 10-41(a) (5) through (6) within thirty calendar days
3 of their initial appointment, election, or hire; provided that
4 the names of non-appointed persons identified in section 10-
5 41(a) (5) who were already serving in their positions on the
6 effective date of Act , Session Laws of Hawaii 2018, shall be
7 provided within thirty days of the effective date of Act ,
8 Session Laws of Hawaii 2018."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on December 24,
12 2088.



Report Title:

OHA Package; Cultural Training; State and County Officials

Description:

Requires certain additional government decision-makers at both the state and county levels to complete the Office of Hawaiian Affairs' training courses on Native Hawaiian and Hawaiian rights established by Act 169, SLH 2015. (HB1745 HD1)

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

