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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. 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 director, deputy, 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 of administration,  
19 deputy director of health, deputy director of  
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 director 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) City and county managing directors; and
- 8        (10) State directors, deputy directors, and division heads
- 9                of state departments not listed in section 10-41(a) (1)
- 10                through (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 sections 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 sections 10-41(a)(2) through (7) who were already  
 4 serving in their positions at the time of enactment of this  
 5 section shall complete the training course within twelve months  
 6 of the date of enactment of this section.

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. The office of Hawaiian affairs shall  
7 provide teleconferencing resources where it is appropriate.

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

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



1 part within thirty calendar days of their initial appointment,  
2 election, or hire; provided that the names of non-appointed  
3 persons identified in section 10-41(a)(7) who were already  
4 serving in their positions at the time of enactment of this  
5 section shall be provided within thirty days of the date of  
6 enactment of this section."

7 SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

OHA Package; Cultural Training; State and County Officials

**Description:**

Requires certain additional government decision-makers at the state and county levels to attend OHA training courses on Native Hawaiian and Hawaiian rights. (SB2134 HD1)

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

