
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 the Hawaii State
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 has
17 given 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 additional
14 government decision-makers at the state and county levels to
15 attend a training course on native Hawaiian history, culture,
16 and rights.

17 SECTION 2. Chapter 10, Hawaii Revised Statutes, is amended
18 by amending the title of part III to read as follows:

19 " [+] PART III. [+] TRAINING; CERTAIN BOARDS, COMMISSIONS,
20 [AND] COUNCILS [÷], AND PUBLIC OFFICIALS; NATIVE HAWAIIAN AND



1 HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS, NATURAL RESOURCE
2 PROTECTION AND ACCESS RIGHTS, AND THE PUBLIC TRUST"

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

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

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

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

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

20 (4) The director, deputy director for administration,
21 deputy director for health resources, deputy director



- 1 for environmental health administration, and
- 2 environmental management division chief of the
- 3 department of health;
- 4 (5) State legislators;
- 5 (6) Judges;
- 6 (7) The directors and deputy directors of the county
- 7 planning departments;
- 8 (8) The members of the county councils and county planning
- 9 commissions;
- 10 (9) County managing directors; and
- 11 (10) Any directors, deputy directors, and division heads of
- 12 state departments not listed in paragraphs (1) through
- 13 (4)."

14 SECTION 4. Section 10-42, Hawaii Revised Statutes, is
 15 amended as follows:

- 16 1. By amending subsection (a) to read:
- 17 "(a) All council, board, and commission members identified
- 18 in section [~~10-41(a)~~] 10-41(a)(1) shall complete the training
- 19 course administered by the office of Hawaiian affairs pursuant
- 20 to this section within twelve months of the date of the member's
- 21 initial appointment. All persons identified in section 10-



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

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

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

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

16 "(e) The governor shall provide to the office of Hawaiian
17 affairs the names of persons required to take the training
18 course pursuant to [~~this part~~] section 10-41(a)(1) through (6)
19 and (10) within thirty calendar days of their initial
20 appointment [~~by the governor.~~] or hire; provided that the names
21 of persons identified in section 10-41(a)(2) through (6) who



1 were already serving in their positions at the time of enactment
 2 of this Act shall be provided to the office of Hawaiian affairs
 3 within thirty days of the date of enactment of this Act. The
 4 county mayors shall provide to the office of Hawaiian affairs
 5 the names of persons who are required to take the training
 6 course pursuant to section 10-41(a)(7) through (9) in their
 7 respective counties within thirty calendar days of their initial
 8 appointment, election, or hire; provided that the names of non-
 9 appointed persons identified in section 10-41(a)(7) who were
 10 already serving in their positions at the time of enactment of
 11 this Act shall be provided to the office of Hawaiian affairs
 12 within thirty days of the date of enactment of this Act."

13 SECTION 5. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

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

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H.B. NO. 2018

Report Title:

Public Officials; Office of Hawaiian Affairs; Native Hawaiian Rights Training; Hawaiian Culture; Hawaiian History

Description:

Mandates OHA training for additional public officials, including certain state and county officials, state judges, and state legislators on native Hawaiian history, culture, and rights. Sets 12-month deadline for completion of training from time of enactment, or time of hire or appointment.

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