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## A BILL FOR AN ACT

RELATING TO THE AHA MOKU.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that traditional and  
2 generational knowledge-based approaches to natural and cultural  
3 resource management in Hawaii include the contributions of  
4 multiple ethnic groups that have settled here. These groups  
5 have been *hanai'd* or integrated into the native Hawaiian culture  
6 through intermarriage and adoption of native Hawaiian cultural  
7 customs. The legislature further finds that the aha moku system  
8 and aha moku advisory committee, known collectively as the aha  
9 moku, should remain attached to the department of land and  
10 natural resources. As a statewide regulatory entity, the  
11 department protects and perpetuates the health and well-being of  
12 Hawaii's unique environment and ecosystem for the benefit of all  
13 citizens.

14           The legislature reaffirms that the focus of the aha moku is  
15 to integrate into the department a native Hawaiian resource  
16 methodology that is generational and empirical. This focus will  
17 strengthen the department's mission to "enhance, protect,



1 conserve and manage Hawaii's unique and limited natural,  
2 cultural and historic resources held in public trust for current  
3 and future generations of the people of Hawaii nei, and its  
4 visitors, in partnership with others from the public and private  
5 sectors."

6 Act 288, Session Laws of Hawaii 2012, established the aha  
7 moku advisory committee and placed it within the department of  
8 land and natural resources for administrative purposes. Act 288  
9 formally recognizes the traditional aha moku system of land  
10 management and best practices based on the natural contours of  
11 the land, the natural resources located within particular areas,  
12 and the methodology necessary to sustain resources and the  
13 community. The aha moku advisory committee plays a crucial role  
14 in advising the chairperson of the board of land and natural  
15 resources on the aha moku system and other issues related to  
16 land and natural resources.

17 Since its inception in 2012, the aha moku advisory  
18 committee has continued to fulfill its mission and the mandates  
19 of Act 288 by working with the eight main Hawaiian islands,  
20 which encompass forty-six traditional moku in which six hundred  
21 nine ahupuaa are listed. During this time, the committee has



1 documented its accomplishments in a report to the legislature  
2 and included recommendations from all of the main Hawaiian  
3 islands. The report also lists the decisions of the board of  
4 land and natural resources relating to those recommendations, as  
5 well as resource issues relating to the aha moku system that  
6 were brought to the department's attention. Most of these  
7 issues were mitigated within the department at a divisional  
8 level to the satisfaction of the concerned communities.

9 The aha moku system benefits the entire State by  
10 strengthening the rapport and relationship between the  
11 department and the public, including the native Hawaiian  
12 community, on issues concerning natural and cultural resources.  
13 Its success, however, depends on its ability to effectively  
14 obtain public input, including from native Hawaiians, and  
15 communicate this to the department with respect to managing  
16 natural and cultural resources – independent of government  
17 oversight. The autonomy gained from being attached to the  
18 department, but not under its jurisdiction, would ensure a  
19 robust relationship between the aha moku and the department, its  
20 various divisions, and the board of land and natural resources.

21 The purpose of this Act is to:



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- 1           (1) Clarify that the aha moku advisory committee is placed  
2           within the department of land and natural resources  
3           for administrative purposes only, and has the autonomy  
4           to serve in an advisory capacity to the chairperson of  
5           the board of land and natural resources;
- 6           (2) Require the department of land and natural resources  
7           to provide budgetary and administrative support to the  
8           aha moku advisory committee;
- 9           (3) Amend the allowable uses of the special land and  
10          development fund to include the expenses incurred by  
11          the aha moku advisory committee; and
- 12          (4) Provide funding for expenses incurred by the aha moku  
13          advisory committee by making an appropriation from the  
14          special land and development fund for this purpose.

15          SECTION 2. Section 171-4.5, Hawaii Revised Statutes, is  
16          amended to read as follows:

17                "~~§~~171-4.5~~§~~ **Aha moku advisory committee; established.**

18          (a) There is established the aha moku advisory committee to be  
19          placed within the department of land and natural resources for  
20          administrative purposes~~[-]~~ only. The committee may advise the



1 chairperson of the board of land and natural resources in  
2 carrying out the purposes of this section.

3 (b) The committee shall consist of eight members appointed  
4 by the governor and confirmed by the senate from a list of  
5 nominations submitted by the aha moku councils of each island.  
6 ~~[Oversight of the aha moku advisory committee shall be by the~~  
7 ~~chairperson of the board of land and natural resources.]~~ The  
8 committee members shall select the committee chairperson from  
9 among the members.

10 (c) The members shall not receive compensation for their  
11 service, but shall be reimbursed for necessary expenses,  
12 including travel expenses, as well as native Hawaiian protocol  
13 expenses including but not limited to items of cultural or  
14 ceremonial importance, incurred while participating in meetings  
15 and events ~~[approved in advance by the chairperson of the board~~  
16 ~~of land and natural resources]~~.

17 The aha moku advisory committee may hire an executive  
18 director who shall be exempt from chapter 76. The executive  
19 director may hire an administrative or executive assistant to  
20 assist the executive director in accomplishing the purposes of  
21 the aha moku advisory committee.



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1           (d) The aha moku advisory committee may provide advice on  
2 the following:

3           (1) Integrating indigenous resource management practices  
4                 with western management practices in each moku;

5           (2) Identifying a comprehensive set of indigenous  
6                 practices for natural resource management;

7           (3) Fostering the understanding and practical use of  
8                 native Hawaiian resource knowledge, methodology, and  
9                 expertise;

10          (4) Sustaining the State's marine, land, cultural,  
11                 agricultural, and natural resources;

12          (5) Providing community education and fostering cultural  
13                 awareness on the benefits of the aha moku system;

14          (6) Fostering protection and conservation of the State's  
15                 natural resources; and

16          (7) Developing an administrative structure that oversees  
17                 the aha moku system.

18          (e) The committee shall submit an annual report in English  
19 and Hawaiian to the legislature and the chairperson of the board  
20 of land and natural resources no later than twenty days prior to  
21 the convening of each regular legislative session. The annual



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1 report shall include a list of all recommendations made by the  
2 committee and the resulting action taken by the department over  
3 the course of the prior year.

4 (f) The department of land and natural resources shall  
5 provide budgetary and administrative support to the aha moku  
6 advisory committee. Funding for the salaries of the executive  
7 director and administrative assistant, conducting meetings, and  
8 in support of other functions of the state aha moku system and  
9 aha moku advisory committee shall be included in the budget of  
10 the department. Federal and other funds that become available  
11 to the department may be used to offset administrative costs  
12 incurred by the department for purposes of this subsection."

13 SECTION 3. Section 171-19, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) There is created in the department a special fund to  
16 be designated as the "special land and development fund".  
17 Subject to the Hawaiian Homes Commission Act of 1920, as  
18 amended, and section 5(f) of the Admission Act of 1959, all  
19 proceeds of sale of public lands, including interest on deferred  
20 payments; all moneys collected under section 171-58 for mineral  
21 and water rights; all rents from leases, licenses, and permits



1 derived from public lands; all moneys collected from lessees of  
2 public lands within industrial parks; all fees, fines, and other  
3 administrative charges collected under this chapter and chapter  
4 183C; a portion of the highway fuel tax collected under chapter  
5 243; all moneys collected by the department for the commercial  
6 use of public trails and trail accesses under the jurisdiction  
7 of the department; transient accommodations tax revenues  
8 collected pursuant to section 237D-6.5(b)(5); and private  
9 contributions for the management, maintenance, and development  
10 of trails and accesses shall be set apart in the fund and shall  
11 be used only as authorized by the legislature for the following  
12 purposes:

- 13 (1) To reimburse the general fund of the State for  
14 advances made that are required to be reimbursed from  
15 the proceeds derived from sales, leases, licenses, or  
16 permits of public lands;
- 17 (2) For the planning, development, management, operations,  
18 or maintenance of all lands and improvements under the  
19 control and management of the board pursuant to title  
20 12, including but not limited to permanent or  
21 temporary staff positions who may be appointed without





1 regard to chapter 76; provided that transient  
2 accommodations tax revenues allocated to the fund  
3 shall be expended as provided in section 237D-  
4 6.5(b)(5);

5 (3) To repurchase any land, including improvements, in the  
6 exercise by the board of any right of repurchase  
7 specifically reserved in any patent, deed, lease, or  
8 other documents or as provided by law;

9 (4) For the payment of all appraisal fees; provided that  
10 all fees reimbursed to the board shall be deposited in  
11 the fund;

12 (5) For the payment of publication notices as required  
13 under this chapter; provided that all or a portion of  
14 the expenditures may be charged to the purchaser or  
15 lessee of public lands or any interest therein under  
16 rules adopted by the board;

17 (6) For the management, maintenance, and development of  
18 trails and trail accesses under the jurisdiction of  
19 the department;



- 1 (7) For the payment to private land developers who have  
2 contracted with the board for development of public  
3 lands under section 171-60;
- 4 (8) For the payment of debt service on revenue bonds  
5 issued by the department, and the establishment of  
6 debt service and other reserves deemed necessary by  
7 the board;
- 8 (9) To reimburse the general fund for debt service on  
9 general obligation bonds issued to finance  
10 departmental projects, where the bonds are designated  
11 to be reimbursed from the special land and development  
12 fund;
- 13 (10) For the protection, planning, management, and  
14 regulation of water resources under chapter 174C;  
15 [and]
- 16 (11) For any expenses incurred by the aha moku advisory  
17 committee; and
- 18 [~~(11)~~] (12) For other purposes of this chapter."

19 SECTION 4. There is appropriated out of the special land  
20 and development fund the sum of \$250,000 or so much thereof as  
21 may be necessary for fiscal year 2017-2018 and the same sum or



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1 so much thereof as may be necessary for fiscal year 2018-2019  
2 for expenses incurred by the aha moku advisory committee.

3 The sums appropriated shall be expended by the department  
4 of land and natural resources for the purposes of this Act.

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

7 SECTION 6. This Act shall take effect on July 1, 2017.  
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INTRODUCED BY:

*Cindy Evans*

*[Signature]*

*Richard Lewis*

*[Signature]*

JAN 19 2017



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**Report Title:**

Aha Moku System; Aha Moku Advisory Committee; Funding

**Description:**

Clarifies that the Aha Moku Advisory Committee is placed within DLNR for administrative purposes only. Requires DLNR to provide budgetary and administrative support to the Committee. Allows the Special Land and Development Fund to be used for expenses incurred by the Committee. Appropriates funds.

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

