
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.



1 The purpose of this Act is to:

2 (1) Clarify that the aha moku advisory committee is placed
3 within the department of land and natural resources
4 for administrative purposes only, and has the autonomy
5 to serve in an advisory capacity to the chairperson of
6 the board of land and natural resources;

7 (2) Require the department of land and natural resources
8 to provide budgetary and administrative support to the
9 aha moku advisory committee;

10 (3) Amend the allowable uses of the special land and
11 development fund to include the expenses incurred by
12 the aha moku advisory committee; and

13 (4) Provide funding for authorized expenses incurred by
14 the aha moku advisory committee by making an
15 appropriation from the special land and development
16 fund for this purpose.

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

19 " ~~[H]~~§171-4.5 ~~[+]~~ Aha moku advisory committee; established.

20 (a) There is established the aha moku advisory committee to be
21 placed within the department of land and natural resources for



1 administrative purposes[-] only. The committee may advise the
2 chairperson of the board of land and natural resources in
3 carrying out the purposes of this section.

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

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

18 The aha moku advisory committee may hire an executive
19 director who shall be exempt from chapter 76. The executive
20 director may hire an administrative or executive assistant to



1 assist the executive director in accomplishing the purposes of
2 the aha moku advisory committee.

3 (d) The aha moku advisory committee may provide advice on
4 the following:

5 (1) Integrating indigenous resource management practices
6 with western management practices in each moku;

7 (2) Identifying a comprehensive set of indigenous
8 practices for natural resource management;

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

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

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

16 (6) Fostering protection and conservation of the State's
17 natural resources; and

18 (7) Developing an administrative structure that oversees
19 the aha moku system.

20 (e) The committee shall submit an annual report in English
21 and Hawaiian to the legislature and the chairperson of the board



1 of land and natural resources no later than twenty days prior to
2 the convening of each regular legislative session. The annual
3 report shall include a list of all recommendations made by the
4 committee and the resulting action taken by the department over
5 the course of the prior year.

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

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

17 "(a) There is created in the department a special fund to
18 be designated as the "special land and development fund".
19 Subject to the Hawaiian Homes Commission Act of 1920, as
20 amended, and section 5(f) of the Admission Act of 1959, all
21 proceeds of sale of public lands, including interest on deferred



1 payments; all moneys collected under section 171-58 for mineral
2 and water rights; all rents from leases, licenses, and permits
3 derived from public lands; all moneys collected from lessees of
4 public lands within industrial parks; all fees, fines, and other
5 administrative charges collected under this chapter and chapter
6 183C; a portion of the highway fuel tax collected under chapter
7 243; all moneys collected by the department for the commercial
8 use of public trails and trail accesses under the jurisdiction
9 of the department; transient accommodations tax revenues
10 collected pursuant to section 237D-6.5(b)(5); and private
11 contributions for the management, maintenance, and development
12 of trails and accesses shall be set apart in the fund and shall
13 be used only as authorized by the legislature for the following
14 purposes:

- 15 (1) To reimburse the general fund of the State for
16 advances made that are required to be reimbursed from
17 the proceeds derived from sales, leases, licenses, or
18 permits of public lands;
- 19 (2) For the planning, development, management, operations,
20 or maintenance of all lands and improvements under the
21 control and management of the board pursuant to title



- 1 12, including but not limited to permanent or
2 temporary staff positions who may be appointed without
3 regard to chapter 76; provided that transient
4 accommodations tax revenues allocated to the fund
5 shall be expended as provided in section 237D-
6 6.5(b) (5);
- 7 (3) To repurchase any land, including improvements, in the
8 exercise by the board of any right of repurchase
9 specifically reserved in any patent, deed, lease, or
10 other documents or as provided by law;
- 11 (4) For the payment of all appraisal fees; provided that
12 all fees reimbursed to the board shall be deposited in
13 the fund;
- 14 (5) For the payment of publication notices as required
15 under this chapter; provided that all or a portion of
16 the expenditures may be charged to the purchaser or
17 lessee of public lands or any interest therein under
18 rules adopted by the board;
- 19 (6) For the management, maintenance, and development of
20 trails and trail accesses under the jurisdiction of
21 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 authorized expenses incurred by the aha moku
17 advisory 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 \$ or so much thereof as
21 may be necessary for fiscal year 2017-2018 and the same sum or



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

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

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

8 SECTION 6. This Act shall take effect on July 1, 2050.



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 authorized expenses incurred by the Committee. Appropriates funds. (HB231 HD1)

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

