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# A BILL FOR AN ACT

RELATING TO THE AHA MOKU ADVISORY COMMITTEE.

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

1       SECTION 1. The legislature finds that over the past two  
2 hundred years, Hawaii has experienced extensive changes,  
3 including the deterioration of the Hawaiian culture, language,  
4 values, and land tenure system, which have, in part, resulted in  
5 the over-development of the coastline, alteration of fresh water  
6 streams, destruction of life-giving watersheds, decimation of  
7 the coral reefs, and decline of endemic marine and terrestrial  
8 species. As a result, in 2012, the legislature passed Act 288,  
9 Session Laws of Hawaii 2012, which established the aha moku  
10 advisory committee within the department of land and natural  
11 resources for administrative purposes. Act 288 formally  
12 recognizes the aha moku system, a traditional system of best  
13 practices of ahupua'a, regional site-specific geographic areas,  
14 that acknowledges the natural contours of land, natural  
15 resources located within those areas, and methodology necessary  
16 to sustain resources and the community. The role of the aha  
17 moku advisory committee is to advise the chairperson of the



1 board of land and natural resources regarding the aha moku  
2 system, on issues related to land and natural resources.

3 The legislature further finds that the aha moku advisory  
4 committee has continued to fulfill its mission by working with  
5 the eight main Hawaiian islands, which encompass forty-six  
6 traditional moku, of which six hundred nine ahupua'a are listed.  
7 Since 2012, the aha moku advisory committee has documented its  
8 accomplishments in a report to the legislature and included  
9 recommendations from all of the main Hawaiian islands.

10 Additionally, the reports list resource issues that came before  
11 the department of land and natural resources divisions relating  
12 to the aha moku system. Most of these issues were mitigated  
13 within the department of land and natural resources at a  
14 divisional level to the satisfaction of the inquiring  
15 communities.

16 The success of the aha moku system also brings forth the  
17 voices of the public trust, including native Hawaiians, to the  
18 department of land and natural resources in regard to natural  
19 and cultural resources, distinct environments, and specific  
20 ecosystems independently of government influence. This autonomy  
21 of being attached to, but not being under the jurisdiction of,



1 the department of land and natural resources ensures a  
2 collaborative rapport between the aha moku advisory committee  
3 and the department of land and natural resources, its divisions,  
4 and the board of land and natural resources.

5 The legislature further finds that although Act 288,  
6 Session Laws of Hawaii 2012, included funding for the aha moku  
7 advisory committee, the funds were never released. As a result,  
8 it has been difficult for the aha moku advisory committee to  
9 continue to fulfill its mission and duties.

10 The purpose of this Act is to:

- 11 (1) Require the department of land and natural resources  
12 to include the expenses for conducting meetings and  
13 other related functions of the state aha moku system  
14 and aha moku advisory committee in the department's  
15 budget and provide administrative support to the aha  
16 moku advisory committee;
- 17 (2) Allow the special land and development fund to be used  
18 for any expenses incurred by the aha moku advisory  
19 committee; and
- 20 (3) Appropriate funds for expenses of the aha moku  
21 advisory committee.



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

3 "[+]§171-4.5[+] **Aha moku advisory committee; established.**

4 (a) There is established the aha moku advisory committee to be  
5 placed within the department of land and natural resources for  
6 administrative purposes. The committee may advise the  
7 chairperson of the board of land and natural resources in  
8 carrying out the purposes of this section.

9 (b) The committee shall consist of eight members appointed  
10 by the governor and confirmed by the senate from a list of  
11 nominations submitted by the aha moku councils of each island.  
12 Oversight of the aha moku advisory committee shall be by the  
13 chairperson of the board of land and natural resources. The  
14 committee members shall select the committee chairperson from  
15 among the members.

16 (c) The members shall not receive compensation for their  
17 service, but shall be reimbursed for necessary expenses,  
18 including travel expenses, incurred while participating in  
19 meetings and events approved in advance by the chairperson of  
20 the board of land and natural resources.



1           The aha moku advisory committee may hire an executive  
2 director who shall be exempt from chapter 76. The executive  
3 director may hire an administrative or executive assistant to  
4 assist the executive director in accomplishing the purposes of  
5 the aha moku advisory committee.

6           (d) The aha moku advisory committee may provide advice on  
7 the following:

- 8           (1) Integrating indigenous resource management practices  
9                 with western management practices in each moku;
- 10           (2) Identifying a comprehensive set of indigenous  
11                 practices for natural resource management;
- 12           (3) Fostering the understanding and practical use of  
13                 native Hawaiian resource knowledge, methodology, and  
14                 expertise;
- 15           (4) Sustaining the State's marine, land, cultural,  
16                 agricultural, and natural resources;
- 17           (5) Providing community education and fostering cultural  
18                 awareness on the benefits of the aha moku system;
- 19           (6) Fostering protection and conservation of the State's  
20                 natural resources; and



1 (7) Developing an administrative structure that oversees  
2 the aha moku system.

3 (e) The committee shall submit an annual report in English  
4 and Hawaiian to the legislature and the chairperson of the board  
5 of land and natural resources no later than twenty days prior to  
6 the convening of each regular legislative session. The annual  
7 report shall include a list of all recommendations made by the  
8 committee and the resulting action taken by the department over  
9 the course of the prior year.

10 (f) The budgetary requirements for conducting meetings and  
11 other related functions of the state aha moku system and aha  
12 moku advisory committee, including the salaries of the executive  
13 director and administrative assistant, shall be included in the  
14 budget of the department of land and natural resources. The  
15 department shall provide administrative support to the aha moku  
16 advisory committee. If appropriate, federal moneys and other  
17 moneys that become available to the department may be used to  
18 offset administrative costs incurred by the department for the  
19 purposes of this subsection."

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



1           (a) There is created in the department a special fund to  
2 be designated as the "special land and development fund".  
3 Subject to the Hawaiian Homes Commission Act of 1920, as  
4 amended, and section 5(f) of the Admission Act of 1959, all  
5 proceeds of sale of public lands, including interest on deferred  
6 payments; all moneys collected under section 171-58 for mineral  
7 and water rights; all rents from leases, licenses, and permits  
8 derived from public lands; all moneys collected from lessees of  
9 public lands within industrial parks; all fees, fines, and other  
10 administrative charges collected under this chapter and chapter  
11 183C; a portion of the highway fuel tax collected under chapter  
12 243; all moneys collected by the department for the commercial  
13 use of public trails and trail accesses under the jurisdiction  
14 of the department; transient accommodations tax revenues  
15 collected pursuant to section 237D-6.5(b)(5); and private  
16 contributions for the management, maintenance, and development  
17 of trails and accesses shall be set apart in the fund and shall  
18 be used only as authorized by the legislature for the following  
19 purposes:

20           (1) To reimburse the general fund of the State for  
21           advances made that are required to be reimbursed from



- 1 the proceeds derived from sales, leases, licenses, or  
2 permits of public lands;
- 3 (2) For the planning, development, management, operations,  
4 or maintenance of all lands and improvements under the  
5 control and management of the board pursuant to title  
6 12, including but not limited to permanent or  
7 temporary staff positions who may be appointed without  
8 regard to chapter 76; provided that transient  
9 accommodations tax revenues allocated to the fund  
10 shall be expended as provided in section  
11 237D-6.5(b)(5);
- 12 (3) To repurchase any land, including improvements, in the  
13 exercise by the board of any right of repurchase  
14 specifically reserved in any patent, deed, lease, or  
15 other documents or as provided by law;
- 16 (4) For the payment of all appraisal fees; provided that  
17 all fees reimbursed to the board shall be deposited in  
18 the fund;
- 19 (5) For the payment of publication notices as required  
20 under this chapter; provided that all or a portion of  
21 the expenditures may be charged to the purchaser or



- 1 lessee of public lands or any interest therein under  
2 rules adopted by the board;
- 3 (6) For the management, maintenance, and development of  
4 trails and trail accesses under the jurisdiction of  
5 the department;
- 6 (7) For the payment to private land developers who have  
7 contracted with the board for development of public  
8 lands under section 171-60;
- 9 (8) For the payment of debt service on revenue bonds  
10 issued by the department, and the establishment of  
11 debt service and other reserves deemed necessary by  
12 the board;
- 13 (9) To reimburse the general fund for debt service on  
14 general obligation bonds issued to finance  
15 departmental projects, where the bonds are designated  
16 to be reimbursed from the special land and development  
17 fund;
- 18 (10) For the protection, planning, management, and  
19 regulation of water resources under chapter 174C;  
20 [~~and~~]



1        (11) For any expenses incurred by the aha moku advisory  
 2                    committee; and  
 3        [~~(11)~~] (12) For other purposes of this chapter."

4            SECTION 4. There is appropriated out of the general  
 5 revenues of the State of Hawaii the sum of \$350,000 or so much  
 6 thereof as may be necessary for fiscal year 2017-2018 and the  
 7 same sum or so much thereof as may be necessary for fiscal year  
 8 2018-2019 for expenses of the aha moku advisory committee;  
 9 provided that \$100,000 of the funds appropriated shall be  
 10 divided proportionately as determined by the aha moku advisory  
 11 committee, among the eight areas represented by the aha moku  
 12 advisory committee members, and to fund the annual Puwalu event.

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

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

17            SECTION 6. This Act shall take effect on July 1, 2017.

18



**Report Title:**

Aha Moku Advisory Committee; Budget; Appropriation

**Description:**

Amends various provisions related to the aha moku advisory committee, including budgetary requirements. Appropriates funds for expenses of the aha moku advisory committee and the annual puwalu. (SD1)

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

