
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, in 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 relating to the
11 aha moku system that were brought to the attention of the
12 department of land and natural resources. Most of these issues
13 were mitigated within the department at a divisional level to
14 the satisfaction of the inquiring communities.

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



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

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

9 The purpose of this Act is to:

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



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

3 "~~[f]~~§171-4.5~~[f]~~ **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 or executive assistant, shall be
14 included in the department's budget. The department shall
15 provide administrative support to the aha moku advisory
16 committee. If appropriate, federal moneys and other moneys that
17 become available to the department may be used to offset
18 administrative costs incurred by the department for the purposes
19 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~~] that may be appointed
8 without 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 in the course of fulfilling its duties under
3 section 171-4.5; and

4 ~~[(11)]~~ (12) For other purposes of this chapter."

SECTION 4. There is appropriated out of the the
sum of \$ or so much thereof as may be necessary for
fiscal year 2017-2018 and the same sum or so much thereof as may
be necessary for fiscal year 2018-2019 for expenses incurred by
the aha moku advisory committee in the course of fulfilling its
duties under section 171-4.5, Hawaii Revised Statutes; provided
that \$ of the funds appropriated shall be divided
proportionately, as determined by the aha moku advisory
committee, among the eight areas represented by the aha moku
advisory committee members and to fund the annual Puwalu event.

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

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

19 SECTION 6. This Act shall take effect on July 1, 2058.



Report Title:

Aha Moku Advisory Committee; Department of Land and Natural Resources; 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 event. (SB351 HD1)

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

