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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 the aha moku  
2 advisory committee was established to bring together traditional  
3 Hawaiian knowledge and modern natural resource management  
4 practices based on the traditional aha kiole.

5           The legislature further finds that section 171-4.5, Hawaii  
6 Revised Statutes, which establishes the aha moku advisory  
7 committee, has not been updated since its adoption in 2012.  
8 Revisions to the statute are required to set and clarify  
9 accountability and transparency standards to optimize the  
10 benefit of the aha moku program to the Native Hawaiian  
11 community, while ensuring alignment with natural resource  
12 management priorities and the original intent and purpose of the  
13 establishment of the aha moku advisory committee within the  
14 state government.

15           The legislature also finds that the aha moku advisory  
16 committee has not consistently fulfilled requirements



1 established by statute or administrative rules, including annual  
2 reporting and compliance with open meeting laws.

3 The purpose of this Act is to:

4 (1) Establish clear procedures for the recruitment,  
5 appointment, evaluation, and removal of the executive  
6 director of the aha moku advisory committee;

7 (2) Clarify that the chairperson of the board of land and  
8 natural resources shall exercise appointment,  
9 oversight, and administrative authority over the  
10 executive director of the aha moku advisory committee;

11 and

12 (3) Strengthen and reinforce reporting and meeting  
13 requirements applicable to the aha moku advisory  
14 committee.

15 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
16 amended by adding a new section to part I to be appropriately  
17 designated and to read as follows:

18 "§171- Aha moku advisory committee; executive director.

19 (a) The chairperson may appoint an executive director for the  
20 aha moku advisory committee, who shall be exempt from chapter

21 76. The chairperson shall be responsible for the management,



1 supervision, and oversight of the executive director, shall  
2 evaluate the performance of the executive director, and shall  
3 ensure the executive director carries out the statutory  
4 responsibilities of the position.

5 (b) To be eligible for the position of executive director  
6 of the aha moku advisory committee, an applicant for the  
7 position shall possess the following minimum qualifications:

- 8 (1) Demonstrate knowledge of Native Hawaiian traditional  
9 and customary practices related to natural resource  
10 management, including familiarity with the aha moku  
11 system or comparable place-based management  
12 frameworks;
- 13 (2) Demonstrate experience working with Native Hawaiian  
14 communities, cultural practitioners, or community-  
15 based natural resource management organizations;
- 16 (3) Have experience in program administration,  
17 organizational leadership, or project management;
- 18 (4) Be able to work collaboratively with state agencies,  
19 boards, commissions, and community stakeholders;
- 20 (5) Demonstrate understanding of environmental laws,  
21 policies, and governance systems or the ability to



1 acquire such understanding within a reasonable period  
2 following appointment;

3 (6) Demonstrate understanding of Hawaii's open meeting  
4 laws; and

5 (7) Hold any additional qualifications established by the  
6 department that are consistent with the duties of the  
7 aha moku advisory committee.

8 (c) The executive director of the aha moku advisory  
9 committee shall serve a term of four years and may be  
10 reappointed by the chairperson to one or more subsequent terms.

11 (d) The executive director of the aha moku advisory  
12 committee may hire an administrative or executive assistant to  
13 assist the executive director in accomplishing the duties of the  
14 committee.

15 (e) The chairperson shall conduct an annual performance  
16 review of the executive director of the aha moku advisory  
17 committee and prior to any term of reappointment of the  
18 executive director. The performance review shall include:

19 (1) An evaluation of the executive director's performance  
20 in carrying out statutory duties and program goals;



- 1        (2) Consideration of input from the aha moku councils of  
2        each island, relevant state agencies, and the public;  
3        and
- 4        (3) A summary of accomplishments, challenges, and future  
5        priorities.
- 6        (f) At the end of each four-year term, the chairperson  
7        may:
- 8        (1) Reappoint the executive director of the aha moku  
9        advisory committee, subject to completion of a  
10       satisfactory performance review required under  
11       subsection (e); or
- 12       (2) Appoint a new executive director from among the  
13       qualified applicants of the open recruitment process  
14       conducted pursuant to subsection (h);  
15       provided that the executive director shall be subject to  
16       confirmation by the board.
- 17       (g) The chairperson may remove the executive director of  
18       the aha moku advisory committee for cause; provided that the  
19       board shall be notified in writing within ten days of the  
20       removal.



1        (h) In the event of a vacancy or expected vacancy in the  
2 office of executive director of the aha moku advisory committee,  
3 the department shall conduct an open recruitment process to fill  
4 the vacancy. The open recruitment process shall include, at a  
5 minimum:

6        (1) Public notice of the vacancy or expected vacancy;

7        (2) A description of the duties and minimum qualifications  
8 of the position and the term of appointment; and

9        (3) A reasonable application period."

10       SECTION 3. Section 171-4.5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "[~~f~~]**§171-4.5[~~f~~]** **Aha moku advisory committee; established.**

13       (a) There is established the aha moku advisory committee to be  
14 placed within the department [~~of land and natural resources~~] for  
15 administrative purposes. The committee may advise the  
16 chairperson [~~of the board of land and natural resources~~] in  
17 carrying out the purposes of this section.

18       (b) The committee shall consist of eight members appointed  
19 by the governor and confirmed by the senate from a list of  
20 nominations submitted by the aha moku councils of each island.  
21 Oversight of the aha moku advisory committee shall be by the



1 chairperson [~~of the board of land and natural resources~~]. The  
2 committee members shall select the committee chairperson from  
3 among the members.

4 (c) The members shall not receive compensation for their  
5 service, but shall be reimbursed for necessary expenses,  
6 including travel expenses, incurred while participating in  
7 meetings and events approved in advance by the chairperson [~~of~~  
8 ~~the board of land and natural resources~~].

9 [~~The aha moku advisory committee may hire an executive~~  
10 ~~director who shall be exempt from chapter 76. The executive~~  
11 ~~director may hire an administrative or executive assistant to~~  
12 ~~assist the executive director in accomplishing the purposes of~~  
13 ~~the aha moku advisory committee.~~]

14 (d) The aha moku advisory committee may provide advice on  
15 the following:

- 16 (1) Integrating indigenous resource management practices  
17 with western management practices in each moku;
- 18 (2) Identifying a comprehensive set of indigenous  
19 practices for natural resource management;



- 1 (3) Fostering the understanding and practical use of  
2 native Hawaiian resource knowledge, methodology, and  
3 expertise;
- 4 (4) Sustaining the State's marine, land, cultural,  
5 agricultural, and natural resources;
- 6 (5) Providing community education and fostering cultural  
7 awareness on the benefits of the aha moku system;
- 8 (6) Fostering protection and conservation of the State's  
9 natural resources; and
- 10 (7) Developing an administrative structure that oversees  
11 the aha moku system.

12 (e) Any formal position, recommendation, or advisory  
13 action of the committee shall be adopted at a duly noticed  
14 public meeting at which a quorum is present.

15 [~~e~~] (f) The committee shall submit an annual report in  
16 English and Hawaiian to the legislature, governor, and [~~the~~]  
17 chairperson [~~of the board of land and natural resources~~] no  
18 later than twenty days prior to the convening of each regular  
19 [~~legislative~~] session. The annual report shall include [a]:

20 (1) The activities of the committee;



- 1       (2) A copy, or an electronic link to the electronic copy,  
2       of all testimonies submitted, the agenda, and minutes  
3       for each committee meeting;
- 4       (3) Issues considered by the committee and positions taken  
5       by each committee member;
- 6       (4) A summary of each committee member's activities,  
7       including how the public was informed and engaged by  
8       the member, and the issues that were brought forward  
9       or addressed through the aha moku process;
- 10      (5) Itemized expenditures; and
- 11      (6) A list of all recommendations made by the committee  
12      and the resulting action taken by the department over  
13      the course of the prior year."

14      SECTION 4. (a) Notwithstanding any law to the contrary,  
15      in order to be eligible for reappointment as the executive  
16      director of the aha moku advisory committee, the executive  
17      director serving as of the effective date of this Act shall,  
18      within twelve months of the effective date of this Act:

- 19      (1) Submit a written application through the open  
20      recruitment process established pursuant to section  
21      171- , Hawaii Revised Statutes;



1 (2) Satisfy the minimum qualifications established under  
2 section 171- , Hawaii Revised Statutes, for the  
3 position; and

4 (3) Receive a satisfactory performance review from the  
5 chairperson of the board of land and natural resources  
6 under section 171- , Hawaii Revised Statutes.

7 (b) The executive director of the aha moku advisory  
8 committee serving as of the effective date of this Act may  
9 continue to serve during the interim between the effective date  
10 of this Act and either the reappointment of the executive  
11 director or appointment of a new executive director, unless  
12 sooner removed by the chairperson of the board of land and  
13 natural resources.

14 (c) The position of executive director of the aha moku  
15 advisory committee shall be deemed vacant if the executive  
16 director serving as of the effective date of this Act fails to  
17 meet the requirements of subsection (a).

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

20 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Aha Moku Advisory Committee; Meetings; Reports; Executive Director; Appointment

**Description:**

Amends the process for the hiring of the Executive Director of the Aha Moku Advisory Committee. Specifies that the Chairperson of the Board of Land and Natural Resources is responsible for the appointment, oversight, and administrative authority over the Executive Director of the Aha Moku Advisory Committee. Requires any formal position, recommendation, or advisory action of the Aha Moku Advisory Committee to be adopted at a duly noticed public meeting at which a quorum is present. Amends the reporting requirements of the Aha Moku Advisory Committee. Effective 7/1/3000. (HD1)

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

