
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 state
14 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, subject to confirmation from the
21 board, who shall be exempt from chapter 76. The chairperson



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

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

9 (1) Demonstrated knowledge of Native Hawaiian traditional
10 and customary practices related to natural resource
11 management, including familiarity with the aha moku
12 system or comparable place-based management
13 frameworks;

14 (2) Demonstrated experience working with Native Hawaiian
15 communities, cultural practitioners, or community-
16 based natural resource management organizations;

17 (3) Experience in program administration, organizational
18 leadership, or project management;

19 (4) The ability to work collaboratively with state
20 agencies, boards, commissions, and community
21 stakeholders;



1 (5) Demonstrated understanding of environmental laws,
2 policies, and governance systems or the ability to
3 acquire such understanding within a reasonable period
4 following appointment;

5 (6) Demonstrated understanding of Hawaii's open meeting
6 laws; and

7 (7) Any additional qualifications established by the
8 department that are consistent with the duties of the
9 aha moku advisory committee.

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

13 (d) The executive director of the aha moku advisory
14 committee may hire an administrative or executive assistant to
15 assist the executive director in carrying out the duties of the
16 aha moku advisory committee.

17 (e) The chairperson shall conduct a performance review of
18 the executive director of the aha moku advisory committee on an
19 annual basis and before any reappointment. The performance
20 review shall include:



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



1 board shall be notified in writing within ten days of the
2 removal.

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

8 (1) Public notice of the vacancy or anticipated vacancy;

9 (2) A description of the duties, minimum qualifications,
10 and term of appointment; and

11 (3) A reasonable application period."

12 SECTION 3. Section 76-16, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The civil service to which this chapter applies shall
15 comprise all positions in the State now existing or hereafter
16 established and embrace all personal services performed for the
17 State, except the following:

18 (1) Commissioned and enlisted personnel of the Hawaii
19 National Guard and positions in the Hawaii National
20 Guard that are required by state or federal laws or



- 1 regulations or orders of the National Guard to be
2 filled from those commissioned or enlisted personnel;
- 3 (2) Positions filled by persons employed by contract where
4 the director of human resources development has
5 certified that the service is special or unique or is
6 essential to the public interest and that, because of
7 circumstances surrounding its fulfillment, personnel
8 to perform the service cannot be obtained through
9 normal civil service recruitment procedures. Any
10 contract may be for any period not exceeding one year;
- 11 (3) Positions that must be filled without delay to comply
12 with a court order or decree if the director
13 determines that recruitment through normal recruitment
14 civil service procedures would result in delay or
15 noncompliance, such as the Felix-Cayetano consent
16 decree;
- 17 (4) Positions filled by the legislature or by either house
18 or any committee thereof;
- 19 (5) Employees in the office of the governor and office of
20 the lieutenant governor, and household employees at
21 Washington Place;



- 1 (6) Positions filled by popular vote;
- 2 (7) Department heads, officers, and members of any board,
3 commission, or other state agency whose appointments
4 are made by the governor or are required by law to be
5 confirmed by the senate;
- 6 (8) Judges, referees, receivers, masters, jurors, notaries
7 public, land court examiners, court commissioners, and
8 attorneys appointed by a state court for a special
9 temporary service;
- 10 (9) One bailiff for the chief justice of the supreme court
11 who shall have the powers and duties of a court
12 officer and bailiff under section 606-14; one
13 secretary or clerk for each justice of the supreme
14 court, each judge of the intermediate appellate court,
15 and each judge of the circuit court; one secretary for
16 the judicial council; one deputy administrative
17 director of the courts; three law clerks for the chief
18 justice of the supreme court, two law clerks for each
19 associate justice of the supreme court and each judge
20 of the intermediate appellate court, one law clerk for
21 each judge of the circuit court, two additional law



1 clerks for the civil administrative judge of the
2 circuit court of the first circuit, two additional law
3 clerks for the criminal administrative judge of the
4 circuit court of the first circuit, one additional law
5 clerk for the senior judge of the family court of the
6 first circuit, two additional law clerks for the civil
7 motions judge of the circuit court of the first
8 circuit, two additional law clerks for the criminal
9 motions judge of the circuit court of the first
10 circuit, and two law clerks for the administrative
11 judge of the district court of the first circuit; and
12 one private secretary for the administrative director
13 of the courts, the deputy administrative director of
14 the courts, each department head, each deputy or first
15 assistant, and each additional deputy, or assistant
16 deputy, or assistant defined in paragraph (16);
17 (10) First deputy and deputy attorneys general, the
18 administrative services manager of the department of
19 the attorney general, one secretary for the
20 administrative services manager, an administrator and
21 any support staff for the criminal and juvenile



1 justice resources coordination functions, and law
2 clerks;

3 (11) (A) Teachers, principals, vice-principals, complex
4 area superintendents, deputy and assistant
5 superintendents, other certificated personnel,
6 and no more than twenty noncertificated
7 administrative, professional, and technical
8 personnel not engaged in instructional work;

9 (B) Effective July 1, 2003, teaching assistants,
10 educational assistants, bilingual or bicultural
11 school-home assistants, school psychologists,
12 psychological examiners, speech pathologists,
13 athletic health care trainers, alternative school
14 work study assistants, alternative school
15 educational or supportive services specialists,
16 alternative school project coordinators, and
17 communications aides in the department of
18 education;

19 (C) The special assistant to the state librarian and
20 one secretary for the special assistant to the
21 state librarian; and



- 1 (D) Members of the faculty of the university of
2 Hawaii, including research workers, extension
3 agents, personnel engaged in instructional work,
4 and administrative, professional, and technical
5 personnel of the university;
- 6 (12) Employees engaged in special, research, or
7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state
9 institutions, and persons with severe physical or
10 mental disabilities participating in the work
11 experience training programs;
- 12 (B) Positions filled with students in accordance with
13 guidelines for established state employment
14 programs; and
- 15 (C) Positions that provide work experience training
16 or temporary public service employment that are
17 filled by persons entering the workforce or
18 persons transitioning into other careers under
19 programs such as the federal Workforce Investment
20 Act of 1998, as amended, or the Senior Community
21 Service Employment Program of the Employment and



1 Training Administration of the United States
2 Department of Labor, or under other similar state
3 programs;

4 (14) A custodian or guide at Iolani Palace, the Royal
5 Mausoleum, and Hulihee Palace;

6 (15) Positions filled by persons employed on a fee,
7 contract, or piecework basis, who may lawfully perform
8 their duties concurrently with their private business
9 or profession or other private employment and whose
10 duties require only a portion of their time, if it is
11 impracticable to ascertain or anticipate the portion
12 of time to be devoted to the service of the State;

13 (16) Positions of first deputies or first assistants of
14 each department head appointed under or in the manner
15 provided in section 6, article V, of the Hawaii State
16 Constitution; three additional deputies or assistants
17 either in charge of the highways, harbors, and
18 airports divisions or other functions within the
19 department of transportation as may be assigned by the
20 director of transportation, with the approval of the
21 governor; one additional deputy in the department of



1 human services either in charge of welfare or other
2 functions within the department as may be assigned by
3 the director of human services; four additional
4 deputies in the department of health, each in charge
5 of one of the following: behavioral health,
6 environmental health, hospitals, and health resources
7 administration, including other functions within the
8 department as may be assigned by the director of
9 health, with the approval of the governor; two
10 additional deputies in charge of the law enforcement
11 programs, administration, or other functions within
12 the department of law enforcement as may be assigned
13 by the director of law enforcement, with the approval
14 of the governor; three additional deputies each in
15 charge of the correctional institutions,
16 rehabilitation services and programs, and
17 administration or other functions within the
18 department of corrections and rehabilitation as may be
19 assigned by the director of corrections and
20 rehabilitation, with the approval of the governor; two
21 administrative assistants to the state librarian; and



1 an administrative assistant to the superintendent of
2 education;

3 (17) Positions specifically exempted from this part by any
4 other law; provided that:

5 (A) Any exemption created after July 1, 2014, shall
6 expire three years after its enactment unless
7 affirmatively extended by an act of the
8 legislature; and

9 (B) All of the positions defined by paragraph (9)
10 shall be included in the position classification
11 plan;

12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;

16 (19) Household employees at the official residence of the
17 president of the university of Hawaii;

18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that no more
5 than twenty-six per cent of the authority's workforce
6 in any housing project maintained or operated by the
7 authority shall be hired under the tenant hire
8 program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the university of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the Hawaii state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, security and privacy compliance
15 analyst, information technology implementation
16 manager, assistant information technology
17 implementation manager, resource manager, community or
18 project development director, policy director, special
19 assistant to the director, and limited English
20 proficiency project manager or coordinator;



- 1 (31) The Alzheimer's disease and related dementia services
2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the
4 executive officer, public information officer, civil
5 defense administrative officer, branch chiefs, and
6 emergency operations center state warning point
7 personnel; provided that for state warning point
8 personnel, the director shall determine that
9 recruitment through normal civil service recruitment
10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time
12 administrative positions of the school facilities
13 authority;
- 14 (34) Positions in the Mauna Kea stewardship and oversight
15 authority;
- 16 (35) In the office of homeland security of the department
17 of law enforcement, the statewide interoperable
18 communications coordinator;
- 19 (36) In the social services division of the department of
20 human services, the business technology analyst;
- 21 (37) The executive director and staff of the 911 board;



1 (38) The software developer supervisor and senior software
2 developers in the department of taxation;

3 (39) In the department of law enforcement, five Commission
4 on Accreditation for Law Enforcement Agencies, Inc.,
5 coordinator positions;

6 (40) The state fire marshal and deputy state fire marshal
7 in the office of the state fire marshal;

8 (41) The administrator for the law enforcement standards
9 board;

10 (42) In the office of the director of taxation, the data
11 privacy officer and tax business analysts; [~~and~~]

12 [+](43)[+] All positions filled by the Hawaii tourism
13 authority within the department of business, economic
14 development, and tourism[~~-~~]; and

15 (44) The executive director of the aha moku advisory
16 committee.

17 The director shall determine the applicability of this
18 section to specific positions.

19 Nothing in this section shall be deemed to affect the civil
20 service status of any incumbent as it existed on July 1, 1955."



1 SECTION 4. 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) Any formal position, recommendation, or advisory
4 action of the committee shall be adopted at a duly noticed
5 public meeting at which a quorum is present. A quorum shall be
6 a majority of the members to which the aha moku advisory
7 committee is entitled. The concurrence of a simple majority of
8 the committee members present shall be necessary to approve any
9 action of the committee.

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

- 15 (1) A description of the activities of the committee;
16 (2) Copies of or electronic links to all testimony
17 submitted to the committee and the agenda and minutes
18 for each committee meeting;
19 (3) A description of the issues considered by the
20 committee and the positions taken by each committee
21 member;



- 1 (4) A summary of each committee member's activities,
2 including how the public was informed and engaged by
3 the member, and the issues that were brought forward
4 or addressed through the aha moku process;
5 (5) A list of itemized expenditures; and
6 (6) A list of all recommendations made by the committee
7 and the resulting action taken by the department over
8 the course of the prior year."

9 SECTION 5. (a) Notwithstanding any law to the contrary,
10 the chairperson of the aha moku advisory committee shall
11 initiate an open recruitment process for the position of
12 executive director of the aha moku advisory committee within six
13 months of the effective date of this Act and shall appoint an
14 executive director within twelve months of the effective date of
15 this Act.

16 (b) Notwithstanding any law to the contrary, the
17 individual serving as the executive director of the aha moku
18 advisory committee on the effective date of this Act shall be
19 eligible to apply for appointment as the executive director of
20 the aha moku advisory committee through the open recruitment



1 process established pursuant to subsection (a); provided that
2 the individual:

3 (1) Submits a written application through the open
4 recruitment process established pursuant to subsection
5 (a);

6 (2) Satisfies the minimum qualifications established under
7 section 171- , Hawaii Revised Statutes, for the
8 position; and

9 (3) Has received a satisfactory performance review from
10 the chairperson of the board of land and natural
11 resources under section 171- , Hawaii Revised
12 Statutes.

13 (c) An application submitted pursuant to subsection (b)
14 shall be evaluated together with all other applications
15 submitted through the open recruitment process, and the
16 applicant serving as executive director on the effective date of
17 this Act shall not receive any preference or special
18 consideration by virtue of prior service.

19 (d) The executive director of the aha moku advisory
20 committee serving on the effective date of this Act may continue
21 to serve on an interim basis from the effective date of this Act



1 until the appointment of an executive director pursuant to this
2 Act as long as the executive director serving on the effective
3 date of this Act meets the qualifications required for the
4 position, or unless sooner removed by the chairperson of the
5 board of land and natural resources.

6 (e) The position of executive director of the aha moku
7 advisory committee shall be deemed vacant if the individual
8 serving as the executive director serving on the effective date
9 of this Act fails to meet the eligibility requirements set forth
10 in subsection (b) or is removed pursuant to subsection (d).

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

13 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

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

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. (HD2)

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

