

JAN 22 2008

A BILL FOR AN ACT

RELATING TO THE PASTORAL AND AGRICULTURAL HOMESTEADING DIVISION
OF THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1 SECTION 1. Pastoral and agricultural homesteading is one
2 of the major programs of the department of Hawaiian home lands
3 to satisfy the mandates of the Hawaiian Homes Commission Act of
4 1920, as amended. Unless priority is given to pastoral and
5 agricultural programming, emphasis upon utilizing trust lands
6 for beneficiary purposes will be lost to commercial development.
7 The legislature finds that pastoral and agricultural endeavors
8 are consistent with the State's strategies.

9 The purpose of this Act is to establish within the
10 department of Hawaiian home lands a division of pastoral and
11 agricultural homesteading, and to make an appropriation for
12 implementation of that division.

13 SECTION 2. The Hawaiian Homes Commission Act, 1920, as
14 amended, is amended by adding a new section to be appropriately
15 designated and to read as follows:

16 "§ . Division of pastoral and agricultural homesteading.

17 (a) There is established within the department of Hawaiian home



1 lands a division of pastoral and agricultural homesteading. The
2 purpose of the division shall be to plan, implement, and manage
3 a pastoral and agricultural program that promotes and
4 perpetuates the homesteading of Hawaiian home lands; provided
5 that the homesteading is consistent with:

6 (1) Development of home, agriculture, farm and ranch lots;
7 and

8 (2) Home, agriculture, aquaculture, farm and ranch loans;
9 as referenced in section 1 of article XII of the Constitution of
10 the State of Hawaii.

11 (b) For purposes of subsection (a), the division of
12 pastoral and agricultural homesteading shall:

13 (1) Prudently protect against loss of Hawaiian home lands
14 to commercial development that is not compatible with
15 subsection (a), including but not limited to,
16 advocating on behalf of existing native Hawaiian
17 lessees under section 207 that have agricultural,
18 aquaculture, or pastoral leases in order to preserve
19 the use of those lands for the purpose of their lease;
20 and

21 (2) Develop plans and projects that maximize the use of
22 Hawaiian home lands by maximizing the use of those



1 lands that are prime for agricultural use by reason of
2 location, soil conditions, and other relevant factors;
3 provided that any development shall not be commercial
4 development within the meaning of paragraph (1)."

5 SECTION 3. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2008-2009 for
8 the pastoral and agricultural division of the department of
9 Hawaiian home lands.

10 The sum appropriated shall be expended by the department of
11 Hawaiian homelands for the purposes of this Act.

12 SECTION 4. The provisions of the amendments made by this
13 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
14 declared to be severable, and if any section, sentence, clause,
15 or phrase, or the application thereof to any person or
16 circumstances is held ineffective because there is a requirement
17 of having the consent of the United States to take effect, then
18 that portion only shall take effect upon the granting of consent
19 by the United States and effectiveness of the remainder of these
20 amendments or the application thereof shall not be affected.



1 SECTION 5. This Act shall take effect upon its approval;
2 provided that section 3 shall take effect on July 1, 2008.

3

INTRODUCED BY: _____
Jill
Brunes. Kohl
A. Kohl Egg

Report Title:

Hawaiian Home Lands; Homesteading; Appropriation

Description:

Establishes a division and appropriates funds for pastoral and agricultural homesteading within the department of Hawaiian home lands.

