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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS AND THE  
HAWAIIAN HOMES COMMISSION TO REVISE THEIR CRITERIA AND  
REQUIREMENTS FOR AWARDING COMMERCIAL LEASES TO CONFORM WITH  
THE RULING IN *LEIMOMI MO'OKINI LUM V. HAWAIIAN HOMES  
COMMISSION*.

1           WHEREAS, in *Leimomi Mo'okini Lum v. Hawaiian Homes*  
2 *Commission*, the appellant challenged the Commission's evaluation  
3 of ranch plans submitted by native Hawaiians on the waiting list  
4 for pastoral homesteads, to determine whether they were entitled  
5 to obtain additional acreage at Honokaia on which to  
6 commercially ranch; and  
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8           WHEREAS, Hawaii Administrative Rules section 10-3-24  
9 establishes two criteria for the award of a pastoral homestead  
10 lot, the feasibility of the ranch plan and the knowledge and  
11 experience of the applicant; and  
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13           WHEREAS, the court in *Lum* held that, in assessing the  
14 appellant's application for additional acreage, the Hawaiian  
15 Homes Commission failed to follow Hawaii Administrative Rules  
16 section 10-3-24; and  
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18           WHEREAS, the court in *Lum* held that the Hawaiian Homes  
19 Commission wrongfully failed to adopt rules pursuant to chapter  
20 91, Hawaii Revised Statutes, by which to conduct its evaluation  
21 process; and  
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23           WHEREAS, the court in *Lum* found that, without adherence to  
24 the rulemaking process of chapter 91, Hawaii Revised Statutes,  
25 future applicants will have no official guidance regarding the  
26 evaluation of ranch plans; now, therefore,  
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28           BE IT RESOLVED by the House of Representatives of the  
29 Twenty-sixth Legislature of the State of Hawaii, Regular Session



# H.C.R. NO. 313

1 of 2011, the Senate concurring, that the Department of Hawaiian  
2 Home Lands and the Hawaiian Homes Commission are requested to  
3 adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to  
4 formalize their criteria and requirements for awarding  
5 commercial leases in compliance with the ruling in *Leimomi*  
6 *Mo'okini Lum v. Hawaiian Homes Commission*; and  
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8 BE IT FURTHER RESOLVED that a certified copy of this  
9 Concurrent Resolution be transmitted to the Chairperson of the  
10 Hawaiian Homes Commission.  
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OFFERED BY:

*Mele Carroll*

MAR 16 2011

