
HOUSE 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
30 of 2011, that the Department of Hawaiian Home Lands and the
31 Hawaiian Homes Commission are requested to adopt rules pursuant
32 to chapter 91, Hawaii Revised Statutes, to formalize their



1 criteria and requirements for awarding commercial leases in
2 compliance with the ruling in *Leimomi Mo'okini Lum v. Hawaiian*
3 *Homes Commission*; and
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5 BE IT FURTHER RESOLVED that a certified copy of this
6 Resolution be transmitted to the Chairperson of the Hawaiian
7 Homes Commission.
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OFFERED BY:

Mule Carroll

MAR 16 2011

