

JAN 19 2024

---

---

# A BILL FOR AN ACT

RELATING TO THE BOARD OF AGRICULTURE.

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

1           SECTION 1. The legislature finds that Native Hawaiians, as  
2 the only indigenous people of Hawaii, face great health and  
3 economic inequity in the State. Stemming from historical  
4 injustices, these enduring disparities constitute complex and  
5 interconnected structures that have and continue to lead to the  
6 dispossession of ancestral lands and the forceful disconnection  
7 of Native Hawaiians from their traditional and customary  
8 cultural practices.

9           Recognizing the negative impact on the health and well-  
10 being of Native Hawaiians over the course of long-term economic  
11 and social changes in Hawaii, the State, as a condition of its  
12 admission into the United States, was entrusted with the  
13 continuous pursuit of the betterment of conditions of Native  
14 Hawaiians with a portion of the income and proceeds of the  
15 public land trust being dedicated for this purpose.

16           Accordingly, in an endeavor to uphold its trust  
17 responsibilities to Native Hawaiians, the office of Hawaiian



1 affairs was established as the principal public agency in the  
2 State responsible for the performance, development, and  
3 coordination of programs and activities relating to Native  
4 Hawaiians with the purpose to continuously pursue the betterment  
5 of conditions of Native Hawaiians. The office of Hawaiian  
6 affairs was further entrusted with the authority to manage and  
7 administer a portion of the proceeds and income of the public  
8 land trust to carry out its constitutional and statutory  
9 obligations on behalf of the State.

10 The legislature further finds that Act 226, Session Laws of  
11 Hawaii 2022, recognized the need to enact legislation that  
12 upholds the State's trust responsibilities and duty of care to  
13 Native Hawaiians, in part, by assuring the full transfer of the  
14 office of Hawaiian affair's annual pro rata share of income and  
15 proceeds from the public land trust. Despite this endeavor,  
16 Native Hawaiians continue to face ongoing systemic and  
17 structural challenges.

18 Additionally, Act 90, Session Laws of Hawaii 2003 (Act 90),  
19 enacted section 166E, Hawaii Revised Statutes, to ensure the  
20 long-term productive use of public lands leased or available to  
21 be leased by the department of land and natural resources for



1 agricultural purposes by allowing these lands to be transferred  
2 to and managed by the department of agriculture. Act 90,  
3 however, created an unintended obstacle between agencies to  
4 ensure optimal safeguards for the protection of Native Hawaiian  
5 natural-cultural resources, Native Hawaiian identity, and Native  
6 Hawaiian rights. Act 90 additionally placed an extra burden on  
7 the interests of the office of Hawaiian affairs by potentially  
8 narrowing the focus of income-generating activities in relation  
9 to its pro rata share of the proceeds and income from the public  
10 land trust.

11 The legislature finds that to uphold its constitutional  
12 trust obligation and duty to Native Hawaiians in connection with  
13 the agricultural interests of the State, the collective  
14 interests and aspirations of Native Hawaiians must be  
15 effectively represented on the board of agriculture. The office  
16 of Hawaiian affairs, as the principal agency of the State  
17 advocating for the betterment of conditions of Native Hawaiians,  
18 is the most appropriate public agency to provide this effective  
19 representation.

20 The office of Hawaiian affairs has dedicated over  
21 \$5,838,274 in agriculturally related grants and \$218,510 in



1 agricultural loans within the last decade, and with a newly  
2 established Mahi 'Ai Business Loans program. The office of  
3 Hawaiian affairs also manages a substantial and ever-increasing  
4 portfolio of legacy lands that are agriculturally zoned.

5 Accordingly, the office of Hawaiian affairs could provide  
6 crucial input concerning the impact, involvement, and  
7 aspirations of Native Hawaiians in the food systems and  
8 agricultural economy of the State, including the benefit of  
9 culturally appropriate foods in the betterment of Native  
10 Hawaiian health and well-being.

11 The purpose of this Act is to address Native Hawaiian  
12 health and economic inequities by uplifting the voices of Native  
13 Hawaiians in the decision-making processes of the State through  
14 effective representation by the office of Hawaiian affairs on  
15 the board of a agriculture.

16 SECTION 2. Section 26-16, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) The department of agriculture shall be headed by an  
19 executive board to be known as the board of agriculture. The  
20 board shall consist of [~~ten~~] eleven members:

21 (1) One who shall be a resident of the county of Hawaii;



- 1 (2) One who shall be a resident of the county of Maui;
- 2 (3) One who shall be a resident of the county of Kauai;
- 3 (4) Four at large; and
- 4 (5) The chairperson of the board of land and natural
- 5 resources; the director of business, economic
- 6 development, and tourism; the chairperson of the board
- 7 of trustees of the office of Hawaiian affairs; and the
- 8 dean of the University of Hawaii college of tropical
- 9 agriculture and human resources, or their designated
- 10 representatives, who shall serve as ex officio[7]
- 11 voting members.

12 The majority of the members of the board shall be from the  
13 agricultural community or the agricultural support sector. The  
14 appointment, tenure, and removal of the members and the filling  
15 of vacancies on the board shall be as provided in section 26-34.  
16 The governor shall appoint a chairperson of the board from the  
17 members."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:         *M. P. A.*        

**By Request**



# S.B. NO. 2447

**Report Title:**

Office of Hawaiian Affairs; Board of Agriculture

**Description:**

Adds the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs to the Board of Agriculture.

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

