

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1           SECTION 1. The legislature finds that the human-induced  
2 global climate crisis requires bold, thoughtful responses on  
3 many fronts to ensure that resilient communities survive and  
4 thrive on the fragile islands of Hawaii. To maintain Hawaii's  
5 leadership in creating the future of labor, justice and equity,  
6 the legislature finds that we must embrace aloha aina as the  
7 core organizing principal of our green new deal. We must  
8 urgently decarbonize Hawaii's systems of food, energy, and  
9 transportation. We must urgently sequester carbon throughout  
10 our systems of agriculture, waste management and ecosystem  
11 restoration. Upon this solid foundation we will find synergies  
12 that expand access to health, housing and education, create  
13 gratifying, well-paying jobs, and ensure justice and equity for  
14 Hawaii's citizens. This Act is a vital step forward enabling  
15 Hawaii to adapt to the inevitable changes that will accompany  
16 climate crisis, by proactively mitigating its most deleterious  
17 impacts.



1 Article XI, section 1 of the state constitution provides  
2 that "for the benefit of present and future generations, the  
3 State and its political subdivisions shall conserve and protect  
4 Hawaii's natural beauty and all-natural resources, including  
5 land, water, air, minerals and energy sources, and shall promote  
6 the development and utilization of these resources in a manner  
7 consistent with their conservation and in furtherance of the  
8 self-sufficiency of the State. All public natural resources are  
9 held in trust by the State for the benefit of the people." The  
10 legislature further finds that public lands should be managed in  
11 the spirit of malama aina.

12 The legislature further finds that the military's use of  
13 public land has been inconsistent with the principle of malama  
14 aina. The legacy of the military use of Kahoolawe, Makua,  
15 Pohakuloa, and Waikane are well-known and tragic. For example,  
16 the Navy failed to clear all unexploded ordnance from Kahoolawe.  
17 A federal court concluded that the Army "failed to use good  
18 faith efforts to develop a plan and secure funding for clearing  
19 unexploded ordnance from the high priority sites that the Army  
20 was supposed to identify" in Makua pursuant to a settlement  
21 agreement. Portions of state land at Pohakuloa are, according



1 to a state circuit court, heavily contaminated with material  
2 that presents an explosive hazard and significant danger to  
3 public health and welfare. With sixty-five year leases to  
4 public lands that have been given to the military set to expire  
5 shortly, the legislature further finds that it is time to return  
6 those public lands to the people of Hawaii.

7 The purpose of this Act is to prohibit the board of land  
8 and natural resources from approving the disposition of public  
9 land to the United States military that would allow for or  
10 facilitate military training.

11 SECTION 2. Section 171-33, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§171-33 Planning; generally. (a) Prior to any notice of  
14 intended disposition, the board of land and natural resources  
15 shall:

- 16 (1) Classify the land according to its use or uses as  
17 provided in this chapter;
- 18 (2) Determine the specific use or uses for which the  
19 disposition is intended;
- 20 (3) Parcel land into units of minimum size areas related  
21 to the intended specific use or uses and sufficient



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- 1           for an economic operation, hereinafter called an  
2           "economic unit";
- 3       (4) Determine the requirements for the construction of  
4           building or other improvements, which are necessary or  
5           desirable to encourage the highest use of the land;
- 6       (5) Determine the upset price or lease rental, based upon  
7           the fair market value of the land employed to the  
8           specific use or uses for which the disposition is  
9           being made, with due consideration for all of the  
10          terms and conditions of the disposition;
- 11       (6) Determine the necessary conditions of disposition  
12          which will discourage speculation;
- 13       (7) In the case of leases, determine the minimum tenure  
14          necessary to support the intended use or uses and the  
15          necessity for periodic rent openings in long-term  
16          leases to assure the State a fair return;
- 17       (8) Prepare the proposed documents and make them available  
18          for public inspection;
- 19       (9) Determine, two years before the expiration of the term  
20          of any lease, whether the premises are to be demised  
21          for the same use or uses under a new lease or whether



1           all or any part thereof is to be reserved for other  
2           use or uses and then promptly notify the lessee of the  
3           determination.

4           (b) The board of land and natural resources shall not  
5           approve the disposition of public land to the United States  
6           military that would allow for or facilitate military training."

7           SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_



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**Report Title:**

Board of Land and Natural Resources; Public Land; Disposition;  
United States Military

**Description:**

Prohibits the board of land and natural resources from approving the disposition of public land to the United States military that would allow for or facilitate any military training.

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