

JAN 20 2023

A BILL FOR AN ACT

RELATING TO MILITARY LAND USE.

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

1 SECTION 1. The legislature finds that many properties in
2 the State are under claim of federal ownership or control and
3 are being, or have been, used as military facilities. This use
4 has resulted in contamination to the water and soil on and
5 adjacent to many of these properties, or has created hazards,
6 such as the presence of unexploded ordnance.

7 The legislature further finds that upcoming expirations or
8 renewals of land leases between the State and the United States
9 government provide opportunities for the return of ceded lands
10 and that the State should be proactive in identifying and
11 reacquiring any lands deemed appropriate. To that end, in 2021,
12 the legislature passed Act 93, Session Laws of Hawaii 2021,
13 which required the office of planning and sustainable
14 development to submit an inventory report of all lands within
15 the State that are leased to the federal government or under
16 federal government control. The report also included



1 information pertaining to lease expiration dates and plans to
2 close military facilities on those lands.

3 Accordingly, the purpose of this Act is to build upon Act
4 93, Session Laws of Hawaii 2021, by creating a long-term task
5 force to proactively plan for the remediation and restoration of
6 lands currently under federal control that are anticipated to be
7 returned to the State, consider potential alternative uses, and
8 identify any lands that should continue under federal control
9 for the next ten years.

10 SECTION 2. Chapter 225M, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§225M- Surplus military land task force. (a) There is
14 established a surplus military land task force within the office
15 of planning and sustainable development for administrative
16 purposes, as provided in section 26-35, to plan for the
17 remediation and restoration of lands currently under federal
18 control that are anticipated to be returned to the State,
19 consider potential alternative uses, and identify any lands that
20 should continue under federal control for the next ten years.
21 The task force shall:



- 1 (1) Create and maintain an inventory of all lands within
2 the State where the federal government claims
3 ownership or control, including:
 - 4 (A) A database of relevant leases and their
5 expiration dates; and
 - 6 (B) Plans for the closure of military facilities on
7 those lands, building upon but not limited to the
8 information contained in the latest edition of
9 the Hawaii Military Land Use Master Plan and the
10 report prepared by the office of planning and
11 sustainable development pursuant to Act 93,
12 Session Laws of Hawaii 2021;
- 13 (2) Identify any known contaminants or environmental
14 hazards associated with inventoried lands,
15 environmental studies performed in connection with
16 those lands, and any remediation required;
- 17 (3) Seek input on proposed environmental remediation plans
18 and alternative uses for lands from adjacent
19 communities and appropriate departments and agencies,
20 including the office of Hawaiian affairs;



- 1 (4) Identify lands that should continue under federal
2 control and suggest alternative models for continued
3 occupation, including remediation and compensation for
4 damages to occupied properties;
- 5 (5) Negotiate with federal agencies for:
- 6 (A) The return of ownership and control of lands;
7 (B) The environmental remediation and restoration of
8 parcels under the ownership and control of the
9 federal government, whether subject to return or
10 not; and
- 11 (C) A timeline for these actions; and
- 12 (6) Work on any other objectives deemed necessary by the
13 task force.
- 14 (b) The task force shall consist of eleven members to be
15 appointed in the manner and to serve for the terms provided in
16 section 26-34; provided that the members shall be:
- 17 (1) The director of the office of planning and sustainable
18 development, who shall serve as chairperson;
- 19 (2) One member designated by the speaker of the House of
20 representatives;
- 21 (3) One member designated by the senate president;



- 1 (4) The chairs of the senate and house of representatives
2 standing committees whose subject matter purview is
3 primarily responsible for legislation relating to
4 water and land;
- 5 (5) A representative from each of the four counties, to be
6 selected by the mayor of each county;
- 7 (6) A representative from an organization whose mission
8 statement or purpose is dedicated to the remediation
9 and prevention of military debris and site
10 contamination or degradation; and
- 11 (7) A representative from an organization with a mission
12 statement or purpose of preserving Native Hawaiian
13 traditional and cultural practices and preventing the
14 desecration of the environment to be selected
15 by _____.
- 16 (c) Members shall not be compensated but shall be
17 reimbursed for necessary expenses incurred, including travel
18 expenses, in carrying out their duties. The department shall
19 provide all necessary administrative, professional, technical,
20 and clerical support required by the task force.



1 (d) The task force shall meet at least biannually
2 beginning in 2023.

3 (e) The task force shall:

4 (1) Submit a preliminary report of its findings and
5 recommendations, including any proposed legislation,
6 to the legislature, no later than twenty days prior to
7 the convening of the regulation session of 2024; and

8 (2) Submit a second report on its findings and
9 recommendations, including any proposed legislation,
10 to the legislature, no later than twenty days prior to
11 the convening the regular session of 2025; provided
12 that the report shall include status updates on each
13 of the tasks specified in subsection (a).

14 (f) The director of the office of planning and sustainable
15 development shall submit annual progress reports to the
16 legislature no later than twenty days prior to the convenings of
17 the regular sessions of 2025, 2026, 2027, 2028, and 2029. The
18 progress reports shall include updates regarding the
19 implementation of the work identified by the task force and any
20 additional plans, recommendations, or legislation recommended
21 based on new information received by the office of planning and



1 sustainable development relating to the objectives of the task
2 force."

3 SECTION 3. New statutory material is underscored.

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

5

INTRODUCED BY:

Mike Hubbard



S.B. NO. 521

Report Title:

Surplus Military Task Force; Remediation and Restoration; Office of Planning and Sustainable Development; Military Lands

Description:

Establishes a Surplus Military Land Task Force within the Office of Planning and Sustainable Development to plan for the remediation and restoration of lands currently under federal control that are anticipated to be returned to the State, consider potential alternative uses, and identify any lands that should continue under federal control for the next ten years.

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

