

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2759, S.D. 1, RELATING TO LAND LEASES.

BEFORE THE:

HOUSE COMMITTEE ON WATER AND LAND

DATE: Tuesday, March 12, 2024 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 430 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Daniel A. Morris, Deputy Attorney General

Chair Ichiyama and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

This bill would prohibit the State from leasing any public lands, or extending any lease of public lands, to any individual, corporation, or federal agency without prior certification by the Office of the Governor that the individual, corporation or federal agency is not: (1) in arrears in the payment of any moneys to the State (in amounts determined by the Office of the Governor), including impact aid owed to the State by a federal agency pursuant to section 3 of Public Law 81-874 or reimbursements owed to the State pursuant to any compact of free association; (2) noncompliant with any consent decree or memorandum of agreement with the State that requires environmental maintenance or remediation on the public lands at issue; or (3) convicted of any crime. This bill also provides that if any existing lessee of public lands (other than those public lands under the jurisdiction of the Department of Transportation) is found not to be in good standing with the State as of the effective date of the bill, the lessee has three years or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.

We note the following deficiencies regarding this bill:

1. This bill's blanket prohibition on issuing, extending, or maintaining leases where the lessee has been convicted of any crime may be a

violation of federal and/or state housing laws prohibiting unfair discrimination. The federal Fair Housing Act applies to all 50 states, and the Office of General Counsel of the United States Department of Housing and Urban Development has issued guidance concluding that a housing provider that imposes a blanket prohibition on any person with a conviction record cannot meet the burden of showing that the policy or practice is necessary to achieve a substantial, legitimate, and nondiscriminatory interest. Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Rease Estate-Related Transactions, U.S. Department of Housing and Urban Development (2016). The same guidance notes that as many as 100 million adults in the United States – or nearly one third of the population – have a criminal record of some sort.

2. Section 3 of this bill makes its provisions applicable to existing leases, resulting in potential mandatory termination of the lease under circumstances that differ from those bargained for and outlined in the lease agreement. This could be subject to challenge under the Contract Clause found in Article I, Section 10, of the United States Constitution ("No State shall . . . pass any . . . Law impairing the Obligation of Contracts . . .").
3. This bill's prohibition on issuing, extending, or maintaining any leases of public lands where the lessee is in arrears on any amount of money owed to the State is too broad and vaguely defined. This aspect of the bill has the potential to raise the same two legal deficiencies noted above, and it would impose an almost impossible burden on the Office of the Governor and the Department of Land and Natural Resources in administering the certification process. In addition, the current section 171-36, Hawaii Revised Statutes (HRS), already provides in subsection (a)(4) on page 3, lines 3-5, a similar restriction that prohibits

leases “to any person who is in arrears in the payment of taxes, rents, or other obligations owed to the State or any county”. Because DLNR is already tasked with this statutory responsibility, the Office of the Governor is not the proper agency to certify good standing.

To avoid these legal deficiencies, we recommend the following:

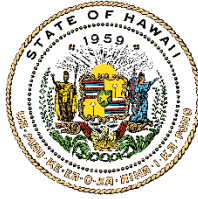
1. Deleting all references to the Office of the Governor, as found on page 6, lines 11 and 15, and page 7, line 3;
2. Amending section 2 of the bill by deleting the blanket prohibition proposed as section 171-36(a)(10)(C), HRS, on page 7, line 1, pertaining to conviction of any crime;
3. Further amending section 2 of the bill on page 6, lines 4-5, by replacing “including” with “for” in the wording “In arrears in the payment of any moneys owed to the State, including:” to instead provide as follows “In arrears in the payment of any moneys owed to the State for:”.
4. Adding a new section to the bill that provides as follows:

SECTION ____ . This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Constitution of the State of Hawai'i or article I, section 10, of the United States Constitution.

Thank you for the opportunity to present this testimony.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, March 12, 2024
9:00 a.m.

State Capitol, Conference Room 430 & Videoconference

In consideration of
SENATE BILL 2759, SENATE DRAFT 1
RELATING TO LAND LEASES

Senate Bill 2759, Senate Draft 1 proposes to prohibit the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the public lands, or convicted of a crime. **The Department of Land and Natural Resources (Department) provides the following comments on this this bill.**

For the leases that the Department manages, the Department would not recommend to the Board of Land and Natural Resources (Board) that a lease in material default be extended, whether the default be monetary, environmental or constitute some other violation of State, county, or federal law. Only the Board has the authority to approve the extension of an existing lease or the issuance of a new lease, and that authority can only be exercised at a duly-noticed, open meeting at which the public has an opportunity to testify. Additionally, a lessee who causes environmental contamination of the lease premises will remain responsible for remediation pursuant to the general indemnity and hazardous materials indemnity provisions of the lease, even after expiration or termination. Accordingly, the Department does not expect this bill to have a significant impact on departmental operations if it becomes law.

The Department notes that subparagraph 171-36(a)(4), Hawaii Revised Statutes (HRS), already provides that, "No lease shall be made to any person who is in arrears in the payment of taxes, rents, or other obligations owed to the State or any county." The proposed language beginning at

page 6, line 4, of the bill is somewhat repetitive of the existing language, although the bill goes on to specify additional types of arrearages covered at page 6, lines 6-15. The existing statutory language and new language could probably be combined into a single provision.

The Department notes that Senate Draft 1 of the bill reflects amendments by the Committee on Water and Land to expand the applicability of the bill to a class of lands that would otherwise be exempt from its provisions pursuant to Section 171-2, HRS.

Mahalo for the opportunity to testify on this measure.

SB-2759-SD-1

Submitted on: 3/11/2024 8:21:14 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	Department of Land and Natural Resources	Comments	Remotely Via Zoom

Comments:

Written testimony from DLNR previously submitted on another Capitol account. Request for a Zoom link for additional DLNR staff testifying remotely for SB2759 SD1.

SB-2759-SD-1

Submitted on: 3/11/2024 8:23:28 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Moore	Department of Land and Natural Resources	Comments	Remotely Via Zoom

Comments:

Written testimony from DLNR previously submitted on another Capitol account. Request for a Zoom link for additional DLNR staff testifying remotely for SB2759 SD1.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER & LAND

March 12, 2024

9:00 AM

Conference Room 430

In **SUPPORT WITH AMENDMENTS** of **SB2759 SD1**: RELATING TO LAND LEASES

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS** SB2759 SD1, which will ensure that our limited public trust lands are adequately stewarded and maintained for present and future generations. **We do offer friendly amendments for the Committee's consideration in our written testimony below.**

Our public lands are held in trust for the benefit of present and future generations, and government entities, including but not limited to the Department of Land and Natural Resources (DLNR), therefore have fiduciary obligations to apply standards of due diligence, prudent decisionmaking, and undivided loyalty in the management of these lands.

Unfortunately, as has been recognized in recent years including by the Hawai'i Supreme Court¹ and Hawai'i State Auditor,² the DLNR has in many instances failed to apply an appropriate standard of care in the leasing or disposition of lands to third party entities. Until the underlying systemic problems causing these issues are resolved, DLNR cannot afford to issue leases to unreliable lessees who may only create additional oversight burdens; doing so would only further hamper its efforts to uphold its fiduciary responsibilities and rebuild community trust in its actions.

This measure would accordingly provide a safeguard against the issuance of leases to unreliable entities who have a history of noncompliance or other problematic behavior. By ensuring that prospective lessees are reviewed for issues such as nonpayment of rent, criminal behavior, or noncompliance with certain environmental legal obligations, this bill would assist the DLNR and other state agencies in avoiding costly, wasteful, and/or controversial dispositions of our public trust lands. As a result, our agencies would be able to maintain focus on their respective missions, and on improving the ways in which they upholds their fiduciary obligations.

To strengthen this measure and its protection of the public interest, the Sierra Club offers the following possible amendments for the Committee's consideration, to be added after page 7, line 1:

¹ See Ching v. Case, 449 P.3d. 1146 (Hawai'i 2019).

² See HAWAI'I STATE AUDITOR, 19-12, AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES SPECIAL LAND DEVELOPMENT FUND (2019).



SIERRA CLUB OF HAWAI'I

- (D) Likely to create an unreasonable environmental hazard on or adjacent to the leased land, including wildfires, or has a history of creating unremediated environmental hazards on or adjacent to leased public lands;
- (E) Intending to block access to cultural sites or valued natural resources necessary for the exercise of Native Hawaiian traditional and customary rights.

Accordingly, the Sierra Club respectfully urges the Committee to **PASS WITH AMENDMENTS** SB2759 SD1.

Mahalo nui for the opportunity to testify.



**Hawaii
Legislative
Council
Members**

Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair
Committee on Water & Land

Tuesday, March 12, 2024
9:00 AM in Room 430

RE: **SB2759 SD 1** Land Leases - **Support with Amendments**

Dear Chair Ichiyama, Vice-Chair Poepoe and Committee Members,

The Chamber of Sustainable Commerce represents over 100 small businesses across the State that strive for a triple bottom line: people, planet and prosperity; we know Hawaii can strengthen its economy without hurting workers, consumers, communities or the environment.

This is why we are in strong support of SB2759 SD1, which prohibits the State from leasing or extending the lease of any public lands to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime, requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State.

We appreciate the amendments offered by DLNR, and accepted by the Senate Committees on Water and Land & Judiciary, to expand the state lands covered by this bill. We urge this committee also add the following amendments:

- 1) Clarify that "Convicted of a crime" refers only to crimes "related to the misuse and mismanagement of land and natural resources, including laws protecting the safety of workers, residents, critical habitats and cultural preservation;" and
- 2) Ensure lessees have not, and will not, block access to cultural sites, traditional practices, and natural resources.

State actors with a fiduciary duty to care for the State's precious natural resources, should not lease lands to tenants who illegally contaminate our land and water; if a tenant has an MOU to clean past contamination but decades later, have not completed the clean up, they should not be allowed to sign new leases for other state lands. Simply put: do right by Hawaii and her people.

Joell Edwards
Wainiha Country
Market
Hanalei

Russell Ruderman
Island Naturals
Hilo/Kona

Dr. Andrew Johnson
Niko Niko Family
Dentistry
Honolulu

Robert H. Pahia
Hawaii Taro Farm
Wailuku

Maile Meyer
Na Mea Hawaii
Honolulu

Tina Wildberger
Kihei Ice
Kihei

L. Malu Shizue Miki
Abundant Life
Natural Foods
Hilo

Kim Coco Iwamoto
Enlightened Energy
Honolulu

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Sustainable
Commerce
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96823



Native Hawaiian LEGAL CORPORATION

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SB2759 SD1 RELATING TO LAND LEASES

HOUSE COMMITTEE ON WATER AND LAND

March 12, 2024 9:00 a.m. Conf. Rm. 430 & Videoconference

Aloha e Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee,

The Native Hawaiian Legal Corporation¹ offers the following testimony in SUPPORT of SB2759 SD1 (with further amendments), which proposes changes to the law to better ensure that the state fulfill its important constitutional and statutory kuleana to the public lands trust.

The state has fiduciary duties to mālama its public lands. As the Hawai'i Supreme Court has recognized:

Under the Hawai'i Constitution, all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come. Additionally, the constitution specifies that the public lands ceded to the United States following the overthrow of the Hawaiian Monarchy and returned to Hawai'i upon its admission to the Union hold a special status under our law. These lands are held by the State in trust for the benefit of Native Hawaiians and the general public. Accordingly, **our constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including an obligation to protect and preserve the resources however they are utilized.**

Ching v. Case, 145 Hawai'i 148, 152, 449 P.3d 1146, 1150 (2019) (emphasis added).²

As drafted, SB2759 SD1 acknowledges that the state, as a "landlord" who authorizes dispositions of public lands, must "ensur[e] that the tenant has met all financial, contractual, and legal obligations" before renewing or extending any lease. This includes, among other things, compliance with any order, consent decree or memoranda of agreement requiring environmental maintenance or remediation activities. However, because the Board of Land and Natural Resources has kuleana over more than one type of disposition, SB2957 SD1

¹ NHLC is a non-profit, public interest law firm committed to the protection and advancement of Native Hawaiian identity and culture, including the protection of 'āina and other resources upon which Native Hawaiian well-being and culture depend.

² So great is the state's duty to protect and preserve the 'āina that it "exists independent of whether [a] third party has in fact violated the terms of any agreement governing its use of the land," *Ching*, 145 Hawai'i at 152, 449 P.3d at 1150.

should not be limited to the renewal or extension of leases but should also apply to the issuance of any disposition, including licenses and permits, that authorize the use of public lands. Also, because the state's independent duty to protect and preserve these lands is so high, the language of paragraph 10(B) should bar any land disposition where the leaseholder, permittee, or licensee violated the terms of its agreement and is not in good standing.

Consistent with the above, paragraph 10 should be amended as follows:

(10) No ~~lease disposition~~ of public lands, including submerged lands, or any extension of any ~~lease disposition~~ of public lands, shall be issued by the State to any individual, corporation, or federal agency that is:

....

(B) Noncompliant with any lease, permit, license, order, consent decree, or memoranda of agreement requiring the individual, corporation, or federal agency to perform environmental maintenance or remediation activities with regard to the subject public lands

This bill will provide important clarity to BLNR on dispositions that will soon be decided. For example, the BLNR will soon consider the renewal of the public land lease for Pōhakuloa to the United States military, which is significant given the Hawai'i Supreme Court's pronouncements on the state's management of the same. In 2019, the Court concluded that the state breached its trust duties by failing to reasonably monitor or inspect the 22,900 acres of public lands, *see Ching*, 145 Hawai'i at 162, 449 P.3d at 1160, and where the circuit court issued a Court Ordered Management Plan "to assess compliance with Lease requirements for appropriate removal of unexploded ordnance . . . and debris associate with ongoing military training" and "ensure compliance with the Lease." Until all reasonable efforts have been made to remove ordnance, trash, and debris and return Pōhakuloa to acceptable condition, no consideration should be given for any continued use of the land. This goes for all public lands under the temporary control of any entity that is not a good steward or does not otherwise comply with the terms of its agreement for use of the land.

It is the state's distinct kuleana to mālama this 'āina. SB2759 SD1, with the further proposed amendments, provides guidance to help the state fulfill its existing legal duties as trustee of the public lands trust.

Mahalo for the opportunity to testify.



Ashley K. Obrey
Senior Staff Attorney
Native Hawaiian Legal Corporation



**OPPOSITION TO SB 2759, SD1
RELATING TO LAND LEASES**

House Committee on Water & Land
The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair

Tuesday, March 12, 2024 at 9:00 a.m.
Conference Room 430 & Videoconference
Hawaii State Capitol; 415 South Beretania Street

Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

The Hawaii Military Affairs Council ("MAC") respectfully opposes SB 2759, SD1 which:

1. Prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime;
2. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State; and
3. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have 3 years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.

The MAC was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor unions and organizations and retired U.S. flag and general officers. The



MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region which is crucial for U.S. national and homeland security.

While we understand the desire for responsible stewardship of public lands, SB 2759, SD1 is overly broad and presents several unintended consequences, particularly for the military branches and the U.S. Department of Defense (DoD) in Hawaii.

The DoD manages critical military installations on leased public lands in Hawaii. These installations are essential for national security, protecting the United States and its allies in the Pacific region. This bill's "all or nothing" approach could jeopardize mission-critical activities and national security interests if technicalities lead to lease non-renewals.

Existing federal and state laws and regulations already govern how public lands are used and managed. Military leases undergo rigorous environmental, regulatory, administrative, and public reviews, ensuring responsible stewardship. This bill creates unnecessary duplication and undermines existing oversight mechanisms.

Further, SB 2759, SD1 eliminates flexibility for addressing complex situations. Minor, technical non-compliance shouldn't automatically trigger lease termination, potentially harming ongoing collaborations and jeopardizing important projects. The measure's broad language could be interpreted to include minor contractual disputes or financial misunderstandings as grounds for lease termination.

Finally, implementing the bill's requirement to assess "good standing" across a diverse range of potential lessees, including federal agencies, would create an immense administrative burden. This could stall critical projects and impact economic development opportunities. Rather, a nuanced approach should be a process for resolving disputes or misunderstandings before resorting to lease termination.



We urge the Committee to consider alternative solutions that achieve the objectives of responsible land management without jeopardizing vital interests such as addressing serious or repeated violations of financial, environmental, or legal obligations.

Thank you for the opportunity to testify in opposition and ask the committee to defer SB 2759, SD1.

HAWAII HARBORS USERS GROUP

Comments on SB 2759, SD1 Relating to Land Leases
Before the House Committee on Water and Land

March 12, 2024

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

The Hawaii Harbor Users Group (HHUG) respectfully requests a clarifying amendment to SB 2759, SD1.

This bill was previously amended to exempt leases and dispositions made by the Department of Transportation. We support the amendment and ask for the following underscored language to be inserted to clarify the amendment:

Page 7, lines 16 – 19:

“provided further that this paragraph 10 (A), (B), and (C) shall not apply to leases and dispositions made by the department of transportation.”

This clarification will help ensure that the Department of Transportation is not included in the lease restrictions. As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii’s imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support dependable and efficient cargo transportation and handling to service our residents and businesses.

Thank you for considering our testimony.

Melissa Pavlicek
Executive Director

SB-2759-SD-1

Submitted on: 3/8/2024 8:24:45 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyle K Kajihiro	Individual	Support	Written Testimony Only

Comments:

The State has a trust obligation to mālama Hawaiian trust lands. Any lessees of public lands who are not in good standing with the terms of the lease should be ineligible for leasing public lands. Thank you for the opportunity to testify.

SB-2759-SD-1

Submitted on: 3/9/2024 1:57:43 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to prohibiting the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime.

Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated

SB-2759-SD-1

Submitted on: 3/10/2024 12:26:57 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bradford Baang	Individual	Support	Written Testimony Only

Comments:

PLEASE prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

Mahalo

Brad

SB-2759-SD-1

Submitted on: 3/10/2024 12:59:36 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Support	Written Testimony Only

Comments:

Aloha Senators:

Prohibiting the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations is common sense and good law. Please approve SB2759.

Bianca Isaki

SB-2759-SD-1

Submitted on: 3/10/2024 1:02:01 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dyson Chee	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify in strong support of SB2759!

SB-2759-SD-1

Submitted on: 3/10/2024 1:12:17 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Valerie Weiss	Individual	Support	Written Testimony Only

Comments:

I am in full support of this measure. Mahalo.

SB-2759-SD-1

Submitted on: 3/10/2024 1:18:55 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Penelope Hazzard	Individual	Support	Written Testimony Only

Comments:

I support the effort to lease land only to those in good standing with the state, meeting all financial and legal obligations. This may be a hardship for some, but overall citizens need responsive government for all, not just special interests.

SB-2759-SD-1

Submitted on: 3/10/2024 1:39:49 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

I strongly support this Act, which prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

It is difficult to imagine any good reason why this bill should not pass (while there are many bad reasons for failing to support it!).

SB-2759-SD-1

Submitted on: 3/10/2024 1:45:46 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

The purpose of this Act is to prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

SB-2759-SD-1

Submitted on: 3/10/2024 1:50:51 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Janis Turner	Individual	Support	Written Testimony Only

Comments:

Please pass this legislation..it is a no brainer. Entities that have violated previous agreements should not be rewarded or trusted.

SB-2759-SD-1

Submitted on: 3/10/2024 2:00:32 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Individual	Support	Written Testimony Only

Comments:

Aloha Senators,

Please follow the lead of Senator Maile Shimabukuro and **support bill SB25759 SD1**. This law would prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is **not in good standing with the State or that has not met all financial, contractual, and legal obligations**.

It seems like a no brainer.

Thank you,

Pamela Burrell, Kalihiwai, Kaua'i

SB-2759-SD-1

Submitted on: 3/10/2024 2:26:01 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Pullman	Individual	Support	Written Testimony Only

Comments:

Please pass this bill. We should not be leasing land to bad actors.

SB-2759-SD-1

Submitted on: 3/10/2024 2:32:52 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel R Freund	Individual	Support	Written Testimony Only

Comments:

It is unfortunate that "doing the right thing" seems to be less and less a motivation for some folks. But the reality is that it is. So the law must let folks know that doing the wrong thing has consequences. I support this measure.

- Dan Freund, Kapaa

SB-2759-SD-1

Submitted on: 3/10/2024 2:36:19 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Maryanoff	Individual	Support	Written Testimony Only

Comments:

The purpose of this Act is to prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

Therefore I strongly support iy

SB-2759-SD-1

Submitted on: 3/10/2024 2:36:22 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SB2759 SD1.

The State should not lease any public lands, or extend the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

The use of public lands should be a privilege to be earned and maintained, not a right to be exploited without accountability. Any entity that cannot establish and maintain its good standing with the State has demonstrated it is not able to serve as a responsible steward of our public lands, and so should not be eligible for this privilege.

Thank you for the opportunity to submit testimony in SUPPORT of SB2759 SD1.

Michele Mitsumori
Hilo, Hawai'i County

SB-2759-SD-1

Submitted on: 3/10/2024 2:48:49 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
TOM DIGRAZIA	Individual	Support	Written Testimony Only

Comments:

Srongly support!

SB-2759-SD-1

Submitted on: 3/10/2024 2:49:12 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Eliel Starbright	Individual	Support	Written Testimony Only

Comments:

I support this because it makes since to Prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

SB-2759-SD-1

Submitted on: 3/10/2024 2:54:28 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Klocker	Individual	Support	Written Testimony Only

Comments:

I strongly support prohibiting the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

SB-2759-SD-1

Submitted on: 3/10/2024 3:11:03 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Danelle Guion	Individual	Support	Written Testimony Only

Comments:

Please support, as I do, SB2759 SD1 to prohibit the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

Thank you for your support.

SB-2759-SD-1

Submitted on: 3/10/2024 3:27:03 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Judie Hoepner	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

SB-2759-SD-1

Submitted on: 3/10/2024 3:37:08 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert N Mansfield, Jr	Individual	Support	Written Testimony Only

Comments:

Prohibit leasing of public lands to entities including federal agencies not in good standing with the State or has not met all financial, contractual, and legal obligations.

SB-2759-SD-1

Submitted on: 3/10/2024 3:40:02 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

I strongly support this important bill--please pass it to prevent the kind of misuse and neglect of public lands property we see so commonly. Mahalo.

SB-2759-SD-1

Submitted on: 3/10/2024 3:41:10 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Landreau	Individual	Support	Written Testimony Only

Comments:

Our State must use its authority to enforce compliance with the rightfully imposed obligations to our state. This measure is needed to stop the leasing of public land to those in flagrant disregard of their duty and responsibility to the people of Hawaii.

SB-2759-SD-1

Submitted on: 3/10/2024 4:09:13 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Anderson	Individual	Support	Written Testimony Only

Comments:

I support SB 2759. It is good business that a lease or extension of a lease of public lands be done only with individuals, corporations, or federal agencies who are in good standing with the State financially, who are in compliance with State regulations, and who do not have a criminal conviction. Thank you

SB-2759-SD-1

Submitted on: 3/10/2024 4:53:13 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
irene kloepfer	Individual	Support	Written Testimony Only

Comments:

Stop selling our lands to the highest bidders. We already are looking like the principality of Monaco of the pacific. Please pass this bill. Mahalo

SB-2759-SD-1

Submitted on: 3/10/2024 5:17:18 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2759 SD1

Mahalo,

Georgia Hoopes, Kalaheo

SB-2759-SD-1

Submitted on: 3/10/2024 5:54:32 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda L Jenks	Individual	Support	Written Testimony Only

Comments:

The water commission needs to operate independently, and be free of political influence.

SB-2759-SD-1

Submitted on: 3/10/2024 6:24:30 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce L Hultgren	Individual	Support	Written Testimony Only

Comments:

Please lend your support to SB 2759. There is no reason for the state to be leasing State lands to anyone not in conformance with the law.

Respectfully,

Bruce L Hultgren

SB-2759-SD-1

Submitted on: 3/10/2024 6:28:01 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Darlene	Individual	Support	Written Testimony Only

Comments:

I strongly support you to please prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations. Mahalo.

SB-2759-SD-1

Submitted on: 3/10/2024 7:54:53 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pete Doktor	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Members,

I testify in strong support of SB 2759 SD1 enforcing strict community standards of responsibility and accountability, particularly on public lands.

Mahalo for your consideration, service and advocacy.

Pete Doktor

Moanalua

SB-2759-SD-1

Submitted on: 3/10/2024 8:30:09 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Please support this common-sense bill. All those who lease public lands should be in good standing with the State.

SB-2759-SD-1

Submitted on: 3/10/2024 9:01:38 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Ichiyama and Vice Chair Poepoe,

Mahalo for your service. I am testifying in strong support of SB2759 SD1. It is not good policy to lease any public lands or extend the lease of any public lands, to any individual, corporation or federal agency that is not in good standing with the State or that has not met all financial, contractual and legal obligations. With many of the military leases ending, we would get a much more serious response in many of the clean ups going on throughout Hawaii nei by the military (Red Hill, Pohakuloa, Kahoolawe, Haleakala, Makua, etc, etc) and not just the military, any entity that does not uphold their responsibilities.

Mahalo for your commitment to our communities,

Tamara Paltin

SB-2759-SD-1

Submitted on: 3/10/2024 9:03:57 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peggy Brandt	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support that any organization or individual who wishes to lease state lands or extend their lease, be in good standing with the State of Hawaii legally, financially, and otherwise. Otherwise, our laws are meaningless and outside entities will take advantage of the laws put in place to preserve our community.

SB-2759-SD-1

Submitted on: 3/10/2024 9:07:09 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha

I support [SB2759 SD1](#)

We must prohibit the State from leasing or extending any public lands to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

It is time to do better during the times of human-instigated climate change.

Mahalo

Maki Morinoue

Holualoa, Hawai'i Island

SB-2759-SD-1

Submitted on: 3/10/2024 9:08:16 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tanya Yamanaka Aynessazian	Individual	Support	Written Testimony Only

Comments:

I am Tanya Yamanaka Aynessazian from Pahoia and I strongly support SB2759 SD1. This act would prohibit the State from leasing any public lands or extending the lease of any public lands to any entity that is not in good standing with the state or that has not met all financial, contractual and legal obligations. Mahalo Senator Shimabukuro for introducing this very important bill.

SB-2759-SD-1

Submitted on: 3/10/2024 9:28:48 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ramona Hussey	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 2759 which would require any lease of public lands to be ONLY to to entities which are in good standing with the State of Hawai'i.

SB-2759-SD-1

Submitted on: 3/10/2024 10:59:50 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

Strong support!

SB-2759-SD-1

Submitted on: 3/10/2024 11:08:27 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Allison Mikuni	Individual	Support	Written Testimony Only

Comments:

I support this measure to ensure that lessees of public lands are in good standing with the State and have met all financial, legal, and contractual obligations.

SB-2759-SD-1

Submitted on: 3/10/2024 11:21:03 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SB2759 SD1, which will ensure that our limited public trust lands are adequately stewarded and maintained for present and future generations. To strengthen the state's ability to protect Hawaii's land and natural resources, I urge the committee to add the following two amendments under reasons no lease shall be issued by the State to any individual, corporation, or federal agency that is:

1. Likely to create an unreasonable environmental hazard on or adjacent to the leased land, including wildfires, or has a history of creating unremediated environmental hazards on or adjacent to leased public lands;
2. Intending to block access to cultural sites or valued natural resources necessary for the exercise of Native Hawaiian traditional and customary rights.

Mahalo for the opportunity to testify.

SB-2759-SD-1

Submitted on: 3/10/2024 11:50:15 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
LorrieAnn Santos	Individual	Support	Written Testimony Only

Comments:

In regards to SB2759 SD1 relating to Land Leases, I strongly support this Act to prohibit the State from leasing any public lands or extending the lease of public lands, to any individual, corporation or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations. I stand in strong support with Senator Maile Shimabukuro and the Sierra Club of Hawaii. Respectfully, Lorrie Ann Santos

SB-2759-SD-1

Submitted on: 3/11/2024 4:16:37 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jean Jewell	Individual	Support	Written Testimony Only

Comments:

I support this bill. State must be careful when leasing our public lands that all is in compliance.

Jean Jewell

96725

SB-2759-SD-1

Submitted on: 3/11/2024 5:32:21 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Radmilovich	Individual	Support	Written Testimony Only

Comments:

In strong support of bill!

SB-2759-SD-1

Submitted on: 3/11/2024 6:35:03 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily Garland	Individual	Support	Written Testimony Only

Comments:

Please support.

Mahalo,

Emily

SB-2759-SD-1

Submitted on: 3/11/2024 7:28:46 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rick Gerding	Individual	Support	Written Testimony Only

Comments:

The purpose of this Act is to prohibit the State from **leasing any public lands**, or extending the lease of any public lands, to any individual, corporation, or federal agency that is not in good standing with the State or that has not met all financial, contractual, and legal obligations.

SB-2759-SD-1

Submitted on: 3/11/2024 8:26:57 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Janik	Individual	Support	Written Testimony Only

Comments:

I fully support bill SB 2759 regards state land use.

Richard J Janik

PO Box 1311

Lihue, HI 96766

SB-2759-SD-1

Submitted on: 3/11/2024 8:57:45 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherri Thal	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2759 SD 1

Mahalo,

Sherri Thal, Kea'au, 96749

SB-2759-SD-1

Submitted on: 3/11/2024 9:13:11 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Douglas	Individual	Support	Written Testimony Only

Comments:

Fully support.

SB-2759-SD-1

Submitted on: 3/11/2024 9:19:06 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Hall	Individual	Support	Written Testimony Only

Comments:

Support

SB-2759-SD-1

Submitted on: 3/11/2024 9:29:28 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Stowell	Individual	Support	Written Testimony Only

Comments:

Writing to ask you to please support SB2759 SD1.

Thank you ,

Julie Stowell

SB-2759-SD-1

Submitted on: 3/11/2024 9:39:35 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John NAYLOR	Individual	Support	Written Testimony Only

Comments:

Aloha,

No entity that is NOT in good standing with the State or has Not met all obligations should be allowed to lease or extend leases on public lands period.

Mahalo,

JN Makawao

SB-2759-SD-1

Submitted on: 3/11/2024 9:49:34 AM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom. I live in Mō'ili'ili. I'm writing in STRONG SUPPORT of SB2759 SD1.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili, O'ahu

SB-2759-SD-1

Submitted on: 3/11/2024 8:17:25 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

I am in Support. Thank you!