

JAN 15 2025

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 PART I

2 SECTION 1. The legislature finds that the State is the
3 custodian of Hawaii's lands and, when leasing lands, acts as a
4 landlord. Landlords commonly establish rules for their tenants
5 to protect the integrity and condition of the leased property.
6 When leasing public lands, it is within the State's authority to
7 insist that its lessees protect the State's environment and
8 natural resources and refrain from actions that threaten the
9 health and safety of the State's residents.

10 Accordingly, the purpose of this part is to prohibit any
11 lease or lease extension for public lands between the State and
12 the United States Department of Defense or branches of the
13 United States military if the United States Department of
14 Defense or branch of the United States military is noncompliant
15 with any requirement regarding environmental maintenance or
16 remediation for those public lands.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 LEASES OF PUBLIC LANDS BY THE UNITED STATES MILITARY

6 § -1 **Leases and lease extensions.** No lease of public
7 lands, or any extension of any lease of public lands that occurs
8 after the effective date of this Act, shall be issued by the
9 State to the United States Department of Defense or any branch
10 of the United States military if the department or branch is
11 noncompliant with any order, consent decree, or memoranda of
12 agreement requiring the department or branch to perform
13 environmental maintenance or remediation activities with regard
14 to the subject public lands or any law, rule, or order on a
15 matter affecting the health and safety of the State's
16 residents."

17 PART II

18 SECTION 3. (a) The board of land and natural resources
19 shall submit a request to the United States Department of
20 Defense to add the requirements set forth in section 2 of this
21 Act to all current leases of state public lands issued to the



1 United States Department of Defense or any branch of the United
2 States military. The request shall also include an alternative
3 option that the United States Department of Defense or the
4 applicable branch of the United States military agree to remove
5 all hazards from the leased lands and conduct other remediation
6 and restoration services necessary to make those lands suitable
7 for agriculture, residential use, and human habitation before
8 the end of the lease term.

9 (b) The board of land and natural resources shall submit
10 reports to the legislature no later than twenty days prior to
11 the convening of the 2026 and 2027 regular sessions on the
12 status of the request and any related negotiations.

13 PART III

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Kurt Fendk



S.B. NO. 198

Report Title:

DOD; DLNR; United States Military; Leases; Lease Extensions; Prohibitions; Public Lands

Description:

Prohibits the State from leasing public lands to or extending the lease of the US Department of Defense or any branch of the US military if the department or branch is noncompliant with any environmental order, consent decree, or memoranda of agreement, or any law, rule, or order on a matter affecting residents' health and safety. Requires Department of Land and Natural Resources to request that the military agree to remediation of existing leased lands prior to the end of the lease term.

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