
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



- 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



H.B. NO. 2393

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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