

MAR 11 2022

SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO CERTIFY GOOD STANDING FOR ALL LESSEES
OF STATE PUBLIC LANDS AND PROHIBIT THE STATE FROM LEASING
OR RENEWING THE LEASE OF ANY PUBLIC LANDS TO ANY
INDIVIDUAL, CORPORATION, OR PUBLIC AGENCY THAT HAS NOT MET
ALL FINANCIAL, CONTRACTUAL, AND LEGAL OBLIGATIONS.

1 WHEREAS, most landlords require their tenants to be in good
2 standing, especially before renewing a lease, which includes
3 ensuring that the tenant has met all financial, contractual, and
4 legal obligations; and

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6 WHEREAS, standard lease agreements allow a landlord to
7 terminate a lease when the tenant commits a crime on the
8 property; and

9
10 WHEREAS, the obligation of the lessees of state public
11 lands include paying all moneys owed to the State, carrying out
12 environmental maintenance and necessary remediations on the
13 subject lands, and refraining from criminal activity; and

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15 WHEREAS, as a landlord, the State should ensure that all of
16 its lessees meet these financial, contractual, and legal
17 obligations, whether the lessees are private individuals,
18 corporations, or the federal government, and exercise its right
19 to terminate a lease when a lessee engages in criminal activity
20 on the property; and

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22 WHEREAS, some existing lessees of public lands are not in
23 good standing with the State; and

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25 WHEREAS, the United States Department of Defense has unmet
26 financial and legal obligations, and pursuant to section 3 of
27 United States Public Law 81-874, the Department of Defense is
28 required to pay impact aid to offset the financial burden on the
29 State's public education system; and

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S.C.R. NO. III

1 WHEREAS, according to the Department of Education, the
2 federal impact aid reimbursement paid to the State for fiscal
3 year 2019 was only 12.91 percent of the total per-pupil cost of
4 educating eleven thousand to fourteen thousand military
5 students, and despite the billions of dollars in federal impact
6 aid reimbursement owed, the Department of Defense continues to
7 lease and control large portions of Hawaii's public lands; and
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9 WHEREAS, the United States Navy and Defense Logistics
10 Agency are not engaging in required maintenance and
11 environmental protection efforts on state public lands, and
12 pursuant to a 2015 administrative order on consent, the Navy and
13 Defense Logistics Agency are required to carry out regular
14 inspections and repairs of the underground storage tanks at Red
15 Hill Bulk Fuel Storage Facility and to reimburse the Department
16 of Health for any costs the Department incurs in its maintenance
17 of the facility; and
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19 WHEREAS, recent water contamination that is thought to be
20 traced to the Red Hill facility suggests that the Navy and
21 Defense Logistics Agency have not been performing the required
22 environmental maintenance and necessary remediations, and it is
23 unclear whether the Department of Health's associated costs have
24 been reimbursed; and
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26 WHEREAS, Monsanto Company has repeatedly been found guilty
27 of criminal activity, and despite accruing more than \$20,000,000
28 in fines and years of probation for storing and using banned
29 pesticides on the islands of Oahu, Maui, and Molokai, Monsanto
30 Company still holds a lease with the State for public lands;
31 now, therefore,
32

33 BE IT RESOLVED by the Senate of the Thirty-first
34 Legislature of the State of Hawaii, Regular Session of 2022, the
35 House of Representatives concurring, that the Governor is
36 requested to certify good standing for all lessees of state
37 public lands and prohibit the State from leasing or renewing the
38 lease of any public lands to any individual, corporation, or
39 public agency that has not met all financial, contractual, and
40 legal obligations; and
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S.C.R. NO. III

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor and
3 Chairperson of the Board of Land and Natural Resources.
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OFFERED BY: _____

Jana Acasio

