

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2759

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2759, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND LEASES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) 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 subject public lands, or convicted of a crime;
- (2) Require 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) Provide that, if any existing lessee of public lands is found not to be in good standing with the State, 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.



Your Committee received testimony in support of this measure from the Chamber of Sustainable Commerce, Sierra Club of Hawai'i, Hawai'i Peace and Justice, and Hawai'i Alliance for Progressive Action.

Your Committee received testimony in opposition to this measure from the Hawaii Military Affairs Council.

Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that public lands are held in trust for the benefit of present and future generations, with government entities such as the Department of Land and Natural Resources having fiduciary obligations to apply standards of due diligence and prudent decision-making in the management of these lands. Your Committee believes that the State should ensure that all of its lessees meet all financial, contractual, and legal obligations and exercise its right to terminate a lease when a lessee engages in criminal activity on the property. This measure will provide a safeguard against the issuance of leases to unreliable entities who have a history of noncompliance or other problematic behavior.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2759, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
 Committee on Judiciary
 JDC

Bill / Resolution No.:* SB 2759 SDI	Committee Referral: WTL, JDC	Date: 02/27/24
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes