

STAND. COM. REP. NO.

1560

Honolulu, Hawaii

APR 02 2025

RE: S.C.R. No. 128
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 128 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PRODUCE AND PROVIDE A LIST OF STATE LANDS CURRENTLY LEASED TO THE UNITED STATES OF AMERICA OR ANY FEDERAL AGENCY,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Attorney General to produce and provide a list of state lands currently leased to the United States of America or any federal agency.

Your Committee received testimony in support of this measure from the Environmental Caucus of the Democratic Party of Hawai'i.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee finds that the State currently leases tens of thousands of acres of state land to the federal government, including various sites which have been leased to the United States military for the past sixty years at the price of one dollar. However, the military has proven to be an unreliable steward of the State's lands and waters, as demonstrated by the Red Hill water contamination crisis on O'ahu, the indiscriminate bombing of Kaho'olawe and subsequent incomplete cleanup of



unexploded ordinance, and many other incidents. Your Committee believes that the federal government has thus demonstrated a clear unwillingness or inability to responsibly steward state lands entrusted to it as a lessee. This measure will promote effective oversight and empower the State to assess current arrangements and determine whether they align with the State's long-term interests.

Your Committee has amended this measure by:

- (1) Inserting language requesting the Attorney General to determine whether there are any state constitutional or other legal impediments to continued leasing to the federal government or offering new leases, noting particularly whether leasing for nominal amounts is violative of any state constitutional or statutory provisions; and
- (2) Deleting language that would have requested the Attorney General to review all current leases of state land to the federal government and to recommend to the Legislature and the state lessor whether the renewal of the lease would or would not be in the public interest and consistent with the Hawaii State Constitution and any applicable state law.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 128, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 128, S.D. 1.

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



KARL RHOADS, Chair



