

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,

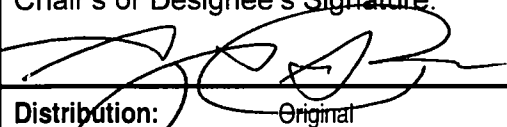


KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SCR 128</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/20/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)				/
CHANG, Stanley	/			
SAN BUENAVENTURA, Joy A.	/			
AWA, Brenton	/			
TOTAL	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div> Distribution: Original File with Committee Report </div> <div> Yellow Clerk's Office </div> <div> Pink Drafting Agency </div> <div> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes