
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII REGARDING THE PROTECTION OF PUBLIC TRUST LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that lands in Makua
2 Valley, Kawaihoa-Poamoho, Kahuku, Pohakuloa, and Waimea are
3 currently subject to leases with the United States military that
4 are set to expire between 2027 and 2030. These lands include
5 former crown and government lands from the Hawaiian Kingdom that
6 must be held in trust by the State for the benefit of Native
7 Hawaiians and the general public. Under article XI, section 1,
8 and article XII, section 4, of the Hawaii State Constitution,
9 the State has the highest fiduciary duty to preserve and
10 maintain public trust lands, which includes the responsibility
11 to malama aina (care for the land) by protecting natural and
12 cultural resources for present and future generations.

13 The legislature further finds that allowing the military's
14 use of leased public trust lands for live-fire training
15 exercises is inconsistent with the State's constitutional trust
16 duties. Instead of using blanks, simulators, or other "dry



1 fire" systems, live-fire training exercises use real,
2 functioning weapon systems loaded with actual ammunition,
3 including bullets, shells, rockets, bombs, explosives, and other
4 ordnance. The training encompasses small arms training,
5 artillery fire, demolition, air-to-ground bombing, and other
6 combat-realistic exercises that have the potential to ignite
7 wildfires, contaminate water and soil, scatter unexploded
8 ordnance, destroy natural and cultural resources, and desecrate
9 the aina.

10 The legislature recognizes that live-fire training
11 activities at Pohakuloa, Makua Valley, and across the State have
12 caused repeated wildfires, environmental contamination, habitat
13 destruction, and the desecration of sacred cultural sites and
14 iwi kupuna (ancestral remains). Although the Hawaii Supreme
15 Court ruled in Ching v. Case (2019) that the State breached its
16 constitutional duties by failing to reasonably monitor and
17 inspect public trust lands that the State leased to the United
18 States military, inspections of these lands remain extremely
19 limited. For example, only a fraction of the 23,000 acres
20 leased by the United States Army at Pohakula have been surveyed.
21 However, the legislature is aware that unexploded ordnance,



1 shell casings, and degraded lands exist across the training
2 area, with similar damage existing at Makua Valley, Kahuku, and
3 Poamoho. While it has been proposed that the military return
4 some of these lands to the State upon the expiration of the
5 current leases in 2029, the lands are already highly
6 contaminated, as are other current and former lands leased by
7 the military, including Kahoolawe, Waikane, and Kaula Island.

8 The legislature is concerned that, due to the costs of
9 environmental cleanup and the technological barriers to
10 completing remediation efforts, many of these former bomb sites
11 may never again be fully accessible to public land trust
12 beneficiaries for cultural, recreational, or subsistence uses.
13 The environmental damage also limits the potential for the
14 State, or any future Native Hawaiian governing entities, to make
15 productive use of the lands after the lands are returned by the
16 United States military.

17 Accordingly, the purpose of this Act is to prevent any
18 further environmental damage to these or other lands by
19 proposing an amendment to the Constitution of the State of
20 Hawaii prohibiting live-fire training exercises on public trust
21 lands.



1 SECTION 2. Article XI of the Constitution of the State of
2 Hawaii is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 **"USE OF PUBLIC TRUST LANDS**

5 **Section** . No live-fire training exercises shall be
6 conducted on public trust lands, including exercises using live
7 ammunition, rockets, bombs, explosives or other ordnance."

8 SECTION 3. The question to be printed on the ballot shall
9 be as follows:

10 "Shall the Constitution of the State of Hawaii be
11 amended to prohibit live-fire training exercises on
12 public trust lands, including exercises using live
13 ammunition, rockets, bombs, explosives, and other
14 ordnance?"

15 SECTION 4. New constitutional material is underscored.

16 SECTION 5. This amendment shall take effect upon
17 compliance with article XVII, section 3, of the Constitution of
18 the State of Hawaii.

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INTRODUCED BY:

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JAN 23 2026



H.B. NO. 1916

Report Title:

Constitutional Amendment; United States Military; Live-Fire Training; Public Trust Lands; Prohibition

Description:

Proposes an amendment to the Constitution of the State of Hawaii prohibiting live-fire training exercises on public trust lands.

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