

JAN 19 2011

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# A BILL FOR AN ACT

RELATING TO THE PUBLIC LAND.

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

1           SECTION 1. The legislature has been seeking the  
2 establishment of a computerized, comprehensive public land trust  
3 inventory for more than a decade. Act 125, Session Laws of  
4 Hawaii 2000, required the auditor to initiate and coordinate all  
5 efforts to establish a public land trust information system.  
6 Unfortunately, for numerous reasons, no such inventory currently  
7 exists.

8           Having an accurate inventory of public lands and their  
9 disposition is crucial to the successful management of the  
10 public land trust described in section 5(f) of the Admission Act  
11 and article XII, section 4 of the state constitution. This is  
12 critical to fulfilling the State's trust obligation in regards  
13 to the land, and the office of Hawaiian affairs, as  
14 representative of native Hawaiian beneficiaries' right to  
15 receive twenty per cent of the income and proceeds from the  
16 public land trust.

17           The Hawaii supreme court has repeatedly held that the  
18 legislature has a constitutional obligation to clarify the



1 amount of revenues derived from the public land trust that  
2 should be annually transferred to the office of Hawaiian affairs  
3 for the benefit of native Hawaiians. Delayed for years, work on  
4 a comprehensive and accurate inventory must begin immediately to  
5 ensure that the State meets its fiduciary responsibilities as  
6 the trustee of the public land trust and that the State's trust  
7 obligations under section 5(f) of the Admission Act are  
8 fulfilled.

9 The purpose of this Act is to facilitate the establishment  
10 of a comprehensive information system for inventorying and  
11 maintaining information about the lands of the public land trust  
12 described in section 5(f) of the Admission Act and article XII,  
13 section 4 of the state constitution.

14 SECTION 2. (a) For purposes of this Act:

15 "Ceded lands" means those lands ceded to the United States  
16 by the Republic of Hawaii under the joint resolution of  
17 annexation approved on July 7, 1898.

18 "Department" means the department of land and natural  
19 resources unless the context clearly indicates otherwise.

20 "Public land trust" means that public land trust  
21 established in section 5(f) of the Admission Act.



1 (b) The department shall initiate and coordinate all  
2 efforts to establish a public land trust information system.

3 The information system shall consist of:

4 (1) The inventory of:

5 (A) The lands comprising the public land trust as of  
6 August 21, 1959;

7 (B) The lands acquired after August 21, 1959, in  
8 exchange for lands comprising the public land  
9 trust on or after August 21, 1959; and

10 (C) The lands transferred to the State by the United  
11 States after August 21, 1959, pursuant to section  
12 5(e) of the Admission Act or Pub. L. 88-233; and

13 (2) Other information necessary to assure the proper  
14 implementation of section 5(f) of the Admission Act,  
15 article XII, sections 4, 5, and 6 of the state  
16 constitution, and chapter 10, Hawaii Revised Statutes,  
17 as amended.

18 (c) The inventory shall:

19 (1) Identify or describe every parcel of land comprising  
20 the public land trust on August 21, 1959, and every  
21 parcel added to the public land trust thereafter.

22 Each parcel may be assigned a unique inventory number



1 for purposes of cross-referencing information about  
2 each parcel with other information maintained in the  
3 public land trust information system; and

4 (2) Include a title history for any parcel included in the  
5 inventory that is conveyed or acquired on or after  
6 August 21, 1959, and other information that the  
7 department determines would be useful for  
8 understanding how the public land trust has been  
9 managed and administered since statehood, and for  
10 ensuring the proper administration and management of  
11 the public land trust in the future.

12 (d) Beginning July 1, 2011, the department shall identify  
13 all of the lands that are to be included in the public land  
14 trust inventory. After interviewing representatives of the  
15 county and conducting discussions with the office of Hawaiian  
16 affairs, the department of Hawaiian home lands, the department  
17 of transportation, the attorney general, the director of  
18 finance, and other state agencies holding title to public land  
19 trust lands or to which lands of the public land trust have been  
20 set aside, the department shall also determine what other  
21 information would be useful to include in the inventory. At  
22 minimum, the department of land and natural resources shall



1 determine whether the following kinds of information about each  
2 parcel of land in the operating inventory would be useful:

3 (1) The parcel's location by metes and bounds, tax map key  
4 number, or both;

5 (2) The parcel's size rounded to the nearest acre;

6 (3) The date the parcel was acquired;

7 (4) If conveyed out of the public land trust, the date the  
8 parcel was conveyed;

9 (5) Whether the parcel was acquired by the State pursuant  
10 to section 5(b) or 5(e) of the Admission Act or Pub.  
11 L. 88-233, or in exchange for a parcel of land  
12 acquired by the State pursuant to those laws;

13 (6) Whether the parcel is a subdivided portion of a larger  
14 parcel acquired by the State pursuant to section 5(b)  
15 or 5(e) of the Admission Act or Pub. L. 88-233, or in  
16 exchange for a parcel of land acquired by the State  
17 pursuant to those laws;

18 (7) Whether the parcel or any portion of the parcel is  
19 ceded land, and the extent to which the parcel  
20 consists of ceded land;

21 (8) The name of the state or county agency holding title  
22 to the parcel;



- 1           (9) Whether the parcel has been set aside and the name of  
2           the state or county agency to which the parcel has  
3           been set aside;
- 4           (10) The parcel's current state land use, state land  
5           classifications pursuant to section 171-10, Hawaii  
6           Revised Statutes, and county zoning designations;
- 7           (11) A description of all natural resources, including  
8           minerals and water, found on or appurtenant to the  
9           parcel;
- 10          (12) A description of every easement, covenant, regulatory  
11          condition, or other benefit or servitude to which the  
12          parcel is entitled or subject; and
- 13          (13) A description of all leases, uses, or other  
14          disposition to which the parcel has been put.
- 15          (e) The department shall also conduct an investigation  
16 into the most appropriate means of establishing and maintaining  
17 the public land trust information system, including:
- 18          (1) The type of hardware and software appropriate for  
19          storing and maintaining the information system;
- 20          (2) Whether the information system should be established  
21          as a geographic information system;



- 1           (3) The tasks needing to be performed to complete and
- 2           establish the information system;
- 3           (4) The sequence in which the tasks needing to be
- 4           performed should be completed;
- 5           (5) Whether and to what extent state and county agencies
- 6           holding title to public land trust lands or to which
- 7           public land trust lands have been set aside should
- 8           continue maintaining separate inventories of the
- 9           public land trust lands;
- 10          (6) Whether a single agency should be responsible for
- 11          maintaining the public land trust information system;
- 12          (7) To which agency the responsibility should be delegated
- 13          if a single agency concept is chosen; and
- 14          (8) The extent to which other agencies should be required
- 15          to cooperate and assist in that effort.
- 16          (f) The department shall identify existing sources of
- 17          data, information, and resources that can be incorporated into
- 18          or used to establish the public land trust inventory and public
- 19          land trust information system, including existing inventories of
- 20          the ceded lands and the public land trust lands established or
- 21          maintained by the federal government, the office of Hawaiian
- 22          affairs, the department of Hawaiian home lands, the University



1 of Hawaii, the department of transportation, the Hawaii housing  
2 finance and development corporation, other state agencies, the  
3 counties, or private entities.

4 (g) The department shall:

5 (1) Estimate the total cost of establishing the public  
6 land trust information system;

7 (2) Identify possible sources of funding to defray that  
8 cost; and

9 (3) Identify the factors to be considered in prioritizing  
10 the expenditures to be made in each fiscal year,  
11 if an incremental or phased implementation process is used to  
12 complete the system.

13 SECTION 3. All state and county agencies shall assist the  
14 department in facilitating the establishment of the public land  
15 trust information system and shall comply with any and all  
16 requests the department may make for any information and  
17 services pertinent to the completion of the information system.

18 SECTION 4. (a) The department shall submit a progress  
19 report to the legislature no later than twenty days prior to the  
20 convening of the regular sessions of 2011 and 2012. The  
21 progress report shall:





1 (1) Indicate what is necessary to complete the public land  
2 trust inventory and the public land trust information  
3 system; and

4 (2) Include any proposed legislation that the department  
5 deems necessary to facilitate the expeditious  
6 completion and support of the inventory and  
7 information system.

8 (b) The inventory and information system shall be  
9 completed and operational by December 31, 2012, unless the  
10 department advises the legislature otherwise in a progress  
11 report.

12 SECTION 5. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2011-2012 and  
15 the same sum or so much thereof as may be necessary for fiscal  
16 year 2012-2013 for the purposes of this Act; provided that no  
17 funds appropriated shall be expended unless matched on a dollar-  
18 for-dollar basis and paid to the department by the office of  
19 Hawaiian affairs.

20 The sums appropriated shall be expended by the department  
21 of land and natural resources for the purposes of this Act.



1 SECTION 6. This Act shall take effect on July 1, 2011.

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**Report Title:**

Public Lands; Information System; DLNR; Appropriation

**Description:**

Requires the department of land and natural resources to initiate and coordinate all efforts to establish a public lands information system. Appropriates funds for this purpose.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

