

## ACT 125

S.B NO. 2108

A Bill for an Act Relating to the Public Land Trust.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to facilitate the establishment of a comprehensive information system for inventorying and maintaining information about the lands of the public land trust described in section 5(f) of the Admission Act and article XII, section 4 of the State Constitution.

SECTION 2. (a) The auditor shall initiate and coordinate all efforts to establish a public land trust information system. The information system shall consist of:

- (1) The inventory of:
  - (A) The lands comprising the public land trust as of August 21, 1959;
  - (B) The lands acquired after August 21, 1959, in exchange for lands comprising the public land trust on or after August 21, 1959; and
  - (C) The lands transferred to the State by the United States after August 21, 1959, pursuant to section 5(e) of the Admission Act or Pub. L. 88-233;

and

- (2) Other information necessary to assure the proper implementation of section 5(f) of the Admission Act, article XII, sections 4, 5, and 6 of the State Constitution, and chapter 10, Hawaii Revised Statutes, as amended.
- (b) The inventory shall:

- (1) Identify or describe every parcel of land comprising the public land trust on August 21, 1959, and every parcel added to the public land trust thereafter. Each parcel may be assigned a unique inventory number for purposes of cross-referencing information about each parcel with other information maintained in the public land trust information system; and
- (2) Include a title history for any parcel included in the inventory that is conveyed or acquired on or after August 21, 1959, and other information that the auditor determines would be useful for understanding how the public land trust was managed and administered since Statehood, and for assuring the proper administration and management of the public land trust in the future.

SECTION 3. (a) Beginning July 1, 2000, the auditor shall identify all of the lands which are to be included in the public land trust inventory. The auditor shall also determine what other information would be useful to include in the inventory but only after interviewing representatives of the county, and conducting discussions with the office of Hawaiian affairs, the department of land and natural resources, the department of Hawaiian home lands, the attorney general, the director of finance, and other state agencies holding title to public land trust lands or to which lands of the public land trust have been set aside. At minimum, the auditor shall determine whether the following kinds of information about each parcel of land in the operating inventory would be useful:

- (1) The parcel's location by metes and bounds, tax map key number, or both;
  - (2) The parcel's size rounded to the nearest acre;
  - (3) The date the parcel was acquired;
  - (4) If conveyed out of the public land trust, the date the parcel was conveyed;
  - (5) Whether the parcel was acquired by the State pursuant to section 5(b) or 5(e) of the Admission Act or Pub. L. 88-233, or in exchange for a parcel of land acquired by the State pursuant to those laws;
  - (6) Whether the parcel is a subdivided portion of a larger parcel acquired by the State pursuant to section 5(b) or 5(e) of the Admission Act or Pub. L. 88-233, or in exchange for a parcel of land acquired by the State pursuant to those laws;
  - (7) Whether the parcel or any portion of the parcel is ceded land, and the extent to which the parcel consists of ceded land;
  - (8) The name of the state or county agency holding title to the parcel;
  - (9) Whether the parcel has been set aside and the name of the state or county agency to which the parcel has been set aside;
  - (10) The parcel's current state land use, state land classifications pursuant to section 171-10, and county zoning designations;
  - (11) A description of all natural resources, including minerals and water, found on or appurtenant to the parcel;
  - (12) A description of every easement, covenant, regulatory condition, or other benefit or servitude to which the parcel is entitled or subject; and
  - (13) A description of all leases, uses, or other disposition to which the parcel has been put.
- (b) The auditor shall also conduct an investigation into the most appropriate means of establishing and maintaining the public land trust information system, including:
- (1) The type of hardware and software appropriate for storing and maintaining the information system;

- (2) Whether the information system should be established as a geographic information system;
- (3) The tasks needing to be performed to complete and establish the information system;
- (4) The sequence in which the tasks needing to be performed are completed;
- (5) Whether and to what extent state and county agencies holding title to public land trust lands or to which public land trust lands have been set aside should continue maintaining separate inventories of the public land trust lands;
- (6) Whether a single agency should be responsible for maintaining the public land trust information system;
- (7) To which agency the responsibility should be delegated if a single agency concept is chosen; and
- (8) The extent to which other agencies must cooperate and assist in that effort.

(c) The auditor shall identify existing sources of data, information, and resources that can be incorporated into or used to establish the public land trust inventory and public land trust information system, including existing inventories of the ceded lands and the public land trust lands established or maintained by the federal government, the office of Hawaiian affairs, the department of Hawaiian home lands, the department of land and natural resources, the University of Hawaii, the department of transportation, the housing and community development corporation of Hawaii, the several counties, or private entities.

(d) The auditor shall:

- (1) Estimate the total cost of establishing the public land trust information system;
- (2) Identify possible sources of funding to defray that cost; and
- (3) Identify the factors to be considered in prioritizing the expenditures to be made in each fiscal year,

if an incremental or phased implementation process is used to complete the system.

(e) For purposes of this Act:

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

“Public land trust” means that public land trust established in section 5(f) of the Admission Act.

**SECTION 4.** All state and county agencies shall assist the auditor in facilitating the establishment of the public land trust information system and shall comply with any and all requests the auditor may make for any information and services pertinent to the completion of the information system.

**SECTION 5.** (a) The auditor shall submit a progress report to the legislature no later than twenty days prior to the convening of the regular sessions of 2001 and 2002. The progress report shall outline what needs to be done to complete the public land trust inventory and the public land trust information system, and include any legislation the auditor deems necessary to facilitate the inventories and systems expeditious completion and support.

(b) The inventory and information system shall be completed and operational by December 31, 2002, unless the auditor advises otherwise in a progress report.

**SECTION 6.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000, or so much thereof as may be necessary for fiscal year 2000-2001 to be expended by the auditor for the purposes of this Act; provided that

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no funds appropriated shall be expended unless separately matched on a dollar-for-dollar basis and paid to the auditor by the office of Hawaiian affairs.

The sum appropriated shall be expended by the auditor for the purposes of this Act.

**SECTION 7.** This Act shall take effect on July 1, 2000.

(Approved May 26, 2000.)