
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 current lack of an accurate public land inventory
18 threatens the successful implementation of legislation proposed



1 during the 2011 regular session. For instance, the
2 establishment of a public school lands trust and the exchange of
3 lands held by the department at Sand Island, respectively, will
4 be hindered unless there is an accurate inventory of public
5 lands. The department of land and natural resources must
6 complete an inventory of public lands for our State to move
7 forward.

8 The Hawaii supreme court has repeatedly held that the
9 legislature has a constitutional obligation to clarify the
10 amount of revenues derived from the public land trust that
11 should be annually transferred to the office of Hawaiian affairs
12 for the benefit of native Hawaiians. Delayed for years, work on
13 a comprehensive and accurate inventory must begin immediately to
14 ensure that the State meets its fiduciary responsibilities as
15 the trustee of the public land trust pursuant to section 5(f) of
16 the Admission Act.

17 The department of land and natural resources has already
18 collected a substantial amount of information about lands that
19 are in the public land trust. The focus of this measure is the
20 further study or review of the trust status of those lands to
21 which state agencies hold title and the disposition of those
22 lands, to verify the accuracy of or make amendments to their



1 trust status as indicated in the department's existing database
2 of public land trust lands.

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

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

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

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

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

16 (b) The department shall initiate and coordinate all
17 efforts to establish a public land trust information system.
18 The information system shall consist of a complete and accurate
19 inventory of all lands in the public land trust to which state
20 agencies hold title or over which they maintain management
21 control.



1 (c) Beginning July 1, 2011, the department shall identify
2 all of the lands that are to be included in the public land
3 trust inventory. After interviewing representatives of each of
4 the four counties of the city and county of Honolulu, Kauai,
5 Maui, and Hawaii, and conducting discussions with the office of
6 Hawaiian affairs, the department of Hawaiian home lands, the
7 department of transportation, the attorney general, the director
8 of finance, and other state agencies holding title to public
9 land trust lands or to which lands of the public land trust have
10 been set aside, the department shall also determine what other
11 information would be useful to include in the inventory. At
12 minimum, the department of land and natural resources shall
13 determine whether the following kinds of information about each
14 parcel of land in the operating inventory would be useful:

- 15 (1) The parcel's location by metes and bounds, tax map key
16 number, or both;
- 17 (2) The parcel's size rounded to the nearest acre;
- 18 (3) The date the parcel was acquired;
- 19 (4) If conveyed out of the public land trust, the date the
20 parcel was conveyed;
- 21 (5) Whether the parcel was acquired by the State pursuant
22 to section 5(b) or 5(e) of the Admission Act or Public



- 1 Law 88-233, or in exchange for a parcel of land
2 acquired by the State pursuant to those laws;
- 3 (6) Whether the parcel is a subdivided portion of a larger
4 parcel acquired by the State pursuant to section 5(b)
5 or 5(e) of the Admission Act or Public Law 88-233, or
6 in exchange for a parcel of land acquired by the State
7 pursuant to those laws;
- 8 (7) Whether the parcel or any portion of the parcel is
9 ceded land, and the extent to which the parcel
10 consists of ceded land;
- 11 (8) The name of the state or county agency holding title
12 to the parcel;
- 13 (9) Whether the parcel has been set aside and the name of
14 the state or county agency to which the parcel has
15 been set aside;
- 16 (10) The parcel's current state land use, state land
17 classifications pursuant to section 171-10, Hawaii
18 Revised Statutes, and county zoning designations;
- 19 (11) A description of all natural resources, including
20 minerals and water, found on or appurtenant to the
21 parcel;



1 (12) A description of every easement, covenant, regulatory
2 condition, or other benefit or servitude to which the
3 parcel is entitled or subject; and

4 (13) A description of all leases, uses, or other
5 disposition to which the parcel has been put.

6 (d) The department shall also conduct an investigation
7 into the most appropriate means of establishing and maintaining
8 the public land trust information system, including:

9 (1) The type of hardware and software appropriate for
10 storing and maintaining the information system;

11 (2) Whether the information system should be established
12 as a geographic information system;

13 (3) The tasks needing to be performed to complete and
14 establish the information system;

15 (4) The sequence in which the tasks needing to be
16 performed should be completed;

17 (5) Whether and to what extent state and county agencies
18 holding title to public land trust lands or to which
19 public land trust lands have been set aside should
20 continue maintaining separate inventories of the
21 public land trust lands;



- 1 (6) Whether a single agency should be responsible for
- 2 maintaining the public land trust information system;
- 3 (7) To which agency the responsibility should be delegated
- 4 if a single agency concept is chosen; and
- 5 (8) The extent to which other agencies should be required
- 6 to cooperate and assist in that effort.

- 7 (e) The department shall identify existing sources of
- 8 data, information, and resources that can be incorporated into
- 9 or used to establish the public land trust inventory and public
- 10 land trust information system, including existing inventories of
- 11 the ceded lands and the public land trust lands established or
- 12 maintained by the federal government, the office of Hawaiian
- 13 affairs, the department of Hawaiian home lands, the University
- 14 of Hawaii, the department of transportation, the Hawaii housing
- 15 finance and development corporation, other state agencies, the
- 16 counties, or private entities.

- 17 (f) The department shall:
- 18 (1) Estimate the total cost of establishing the public
- 19 land trust information system;
- 20 (2) Identify possible sources of funding to defray that
- 21 cost; and



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

5 SECTION 3. All state and county agencies shall assist the
6 department in facilitating the establishment of the public land
7 trust information system and shall comply with any and all
8 requests the department of land and natural resources may make
9 for any information and services pertinent to the completion of
10 the information system.

11 SECTION 4. All state agencies shall report to the
12 department of land and natural resources:

13 (1) By August 1, 2011, each and every parcel of land, or
14 part of a parcel of land, to which the reporting
15 agency holds title or that has been set aside to the
16 reporting agency, regardless of whether the land is
17 within the public land trust, is ceded land, or both;

18 (2) By August 1, 2011, on the disposition or transfer of
19 any parcel of land, or part of a parcel of land, to
20 which the agency holds title, and provide documents
21 pertinent to that disposition or transfer; and



1 (3) By January 1, 2012, any inaccuracy discovered in the
2 information provided to the department pursuant to
3 paragraph (1) or (2) and include:

4 (A) A description of how the inaccuracy will be
5 corrected; and

6 (B) Copies of all documents related to the correction
7 of those inaccuracies.

8 SECTION 5. (a) The department of land and natural
9 resources shall submit a progress report to the legislature no
10 later than twenty days prior to the convening of the regular
11 sessions of 2012 and 2013. The progress report shall:

12 (1) Indicate what is necessary to complete the public land
13 trust inventory and the public land trust information
14 system; and

15 (2) Include any proposed legislation that the department
16 deems necessary to facilitate the expeditious
17 completion and support of the inventory and
18 information system.

19 (b) The inventory and information system shall be
20 completed and operational by December 31, 2013, unless the
21 department advises the legislature otherwise in a progress
22 report.



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of or so much
3 thereof as may be necessary for fiscal year 2011-2012 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2012-2013 for the establishment and maintenance of a
6 computerized, comprehensive statewide public land trust
7 inventory database and funding for one staff position for a
8 database and application developer; provided that no funds
9 appropriated shall be expended unless matched on a dollar-for-
10 dollar basis by the office of Hawaiian affairs and paid to the
11 department.

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

14 SECTION 7. This Act shall take effect on July 1, 2050.

15



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. Requires all state agencies to report to the department each parcel of land to which it holds title; the disposition of each parcel to which the agency holds title or is acquiring title; and any inaccuracies in reports to the department. Requires the department to submit a progress report to the legislature. Appropriates funds to create and maintain a comprehensive statewide public land trust inventory database and to provide funding for one staff position for a database and application developer. Effective 7/1/2050. (SD2)

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