

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.B. No. 2 entitled:

"A BILL FOR AN ACT RELATING TO THE PUBLIC LAND,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to initiate and coordinate all efforts to establish a public land trust information system, and to complete an operational public land trust information system by December 31, 2012;
- (2) Require the Department of Land and Natural Resources to identify all of the lands that are to be included in the public land trust inventory, determine whether certain information about each parcel of land would be useful, and investigate the most appropriate means of establishing and maintaining the public land trust information system;
- (3) Require the Department of Land and Natural Resources to estimate costs associated with the public land trust information system and identify sources of information that can be used with the public land trust information system; and



- (4) Require all state and county agencies to assist the Department of Land and Natural Resources in establishing the public land trust information system.

Your Committee received testimony in support of this measure from the Association of Hawaiian Civic Clubs. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that a complete, accurate inventory of public lands is critical. The Legislature has a constitutional obligation to clarify the amount of revenues derived from the public land trust that should be annually transferred to the Office of Hawaiian Affairs. The State has a fiduciary obligation to native Hawaiian beneficiaries of the public land trust. Your Committee finds that this measure is necessary to address those fiduciary and constitutional obligations.

Your Committee understands the concerns of the Department of Land and Natural Resources. At the public hearing on this measure, the Department of Land and Natural Resources shared those concerns. The Department indicated that it could not meet the statutory mandate in the measure that calls for three separate, overlapping inventories of public lands. The Department did indicate, however, that the inventory could be completed if it focused on lands to which state agencies held title and that a mandatory reporting requirement for state agencies holding title to public lands, ceded lands, or both, and a parallel tracking system could achieve the desired results.

As a result of this testimony, your Committee has amended this measure by:

- (1) Requiring that the information system consist of a complete and accurate inventory of all lands in the public land trust to which state agencies hold title or over which they maintain management control, instead of overlapping inventories as provided in the original measure;
- (2) Requiring all state agencies to report to the Department of Land and Natural Resources each parcel of land that is within the public land trust, or is ceded lands, or is both, to which it holds title; the disposition of any

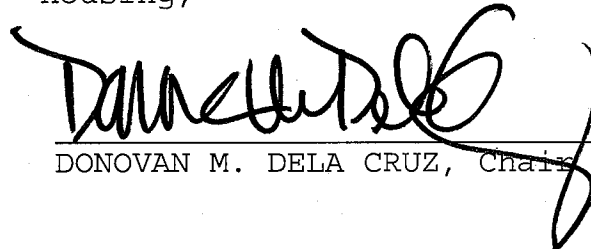


parcels of land into or out of the reporting agency's public land trust lands; and any inaccurate information in its reports regarding the title to or disposition of public land trust lands;

- (3) Appropriating \$300,000 to the Department for the establishment and maintenance of the statewide public land trust inventory database and related staffing needs; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, and  
Housing,

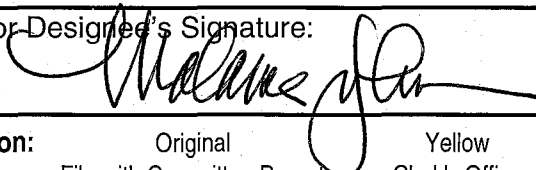


DONOVAN M. DELA CRUZ, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Housing**  
**WLH**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2	WLH, WAM	2-10-11
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
DELA CRUZ, Donovan M. (C)	/	
SOLOMON, Malama (VC)	/	
FUKUNAGA, Carol		/
RYAN, Pohai	/	
SHIMABUKURO, Maile		/
TOKUDA, Jill N.	/	
SLOM, Sam	/	
<b>TOTAL</b>	<b>5</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: Original File with Committee Report    Yellow Clerk's Office    Pink Drafting Agency    Goldenrod Committee File Copy		

\*Only one measure per Record of Votes