



GOV. MSG. NO. **1157**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 20, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

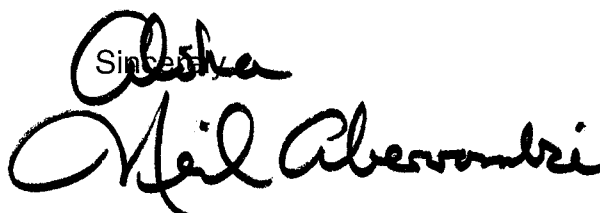
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 20, 2011, the following bill was signed into law:

SB2 SD2 HD1 CD1

RELATING TO THE PUBLIC LAND
Act 054 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

S.B. NO. 2
S.D. 2
H.D. 1
C.D. 1

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 finds that the department of
2 land and natural resources has already collected a substantial
3 amount of information about lands that are in the public land
4 trust. The focus of this measure is the further study or review
5 of the trust status of those lands to which state agencies hold
6 title and the disposition of those lands, to verify the accuracy
7 of or make amendments to their trust status as indicated in the
8 department's existing database of public land trust lands.

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



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

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

5 (b) The department shall initiate and coordinate all
6 efforts to establish a public land trust information system.
7 The information system shall consist of a complete and accurate
8 inventory of all lands in the public land trust to which state
9 agencies hold title or over which they maintain management
10 control.

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



1 At minimum, the department of land and natural resources
2 shall determine whether the following information relating to
3 each parcel of land in the operating inventory would be useful:

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

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

7 (3) The date the parcel was acquired;

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

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

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

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



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



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



1 maintained by the federal government, the office of Hawaiian
2 affairs, the department of Hawaiian home lands, the University
3 of Hawaii, the department of transportation, the Hawaii housing
4 finance and development corporation, other state agencies, the
5 counties, or private entities.

6 (f) The department shall:

7 (1) Estimate the total cost of establishing the public
8 land trust information system;

9 (2) Identify possible sources of funding to defray that
10 cost; and

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

15 (g) All state and county agencies shall assist the
16 department in facilitating the establishment of the public land
17 trust information system and shall comply with any and all
18 requests the department of land and natural resources may make
19 for any information and services pertinent to the completion of
20 the information system.

21 (h) All state agencies shall report to the department of
22 land and natural resources:



1 (1) By August 1, 2011, each parcel of land, or part of a
2 parcel of land, to which the reporting agency holds
3 title or that has been set aside to the reporting
4 agency, regardless of whether the land is within the
5 public land trust, is ceded land, or both;

6 (2) By August 1, 2011, on the disposition or transfer of
7 any parcel of land, or part of a parcel of land, to
8 which the agency holds title, and provide documents
9 pertinent to that disposition or transfer; and

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

13 (A) A description of how the inaccuracy will be
14 corrected; and

15 (B) Copies of all documents related to the correction
16 of those inaccuracies.

17 SECTION 3. (a) The department of land and natural
18 resources shall submit a progress report to the legislature no
19 later than twenty days prior to the convening of the regular
20 sessions of 2012 and 2013. The 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, 2013, unless the
10 department advises the legislature otherwise in a progress
11 report.

12 SECTION 4. There is appropriated out of the land
13 conservation fund, established by section 173A-5, Hawaii Revised
14 Statutes, the sum of \$275,000 or so much thereof as may be
15 necessary for fiscal year 2011-2012 and \$85,000 or so much
16 thereof as may be necessary for fiscal year 2012-2013 for the
17 establishment and maintenance of a computerized, comprehensive
18 statewide public land trust inventory database and funding for
19 one staff position for a database and application developer.

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

22



1 SECTION 5. This Act shall take effect on July 1, 2011.

APPROVED this 20 day of MAY, 2011

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII
