

ACT 54

S.B. NO. 2

A Bill for an Act Relating to the Public Land.

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

SECTION 1. The legislature finds that the department of land and natural resources has already collected a substantial amount of information about lands that are in the public land trust. The focus of this measure is the further study or review of the trust status of those lands to which state agencies hold title and the disposition of those lands, to verify the accuracy of or make amendments to their trust status as indicated in the department's existing database of public land trust lands.

The purpose of this Act is to facilitate the establishment of a comprehensive information system to inventory and maintain 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 Hawaii State Constitution.

SECTION 2. (a) 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.

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

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

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

(c) Beginning July 1, 2011, the department shall identify all of the lands that are to be included in the public land trust inventory. After interviewing representatives of each of the four counties of the city and county of Honolulu, Kauai, Maui, and Hawaii, and conducting discussions with the office of Hawaiian affairs, the department of Hawaiian home lands, the department of transportation, 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, the department shall also determine what other information would be useful to include in the inventory.

At minimum, the department of land and natural resources shall determine whether the following information relating to 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 Public Law 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 Public Law 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, Hawaii Revised Statutes, 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.

(d) The department 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 should be 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 should be required to cooperate and assist in that effort.

(e) The department 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 University of Hawaii, the department of transportation, the Hawaii housing finance and development corporation, other state agencies, the counties, or private entities.

(f) The department 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.

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

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

- (1) By August 1, 2011, each parcel of land, or part of a parcel of land, to which the reporting agency holds title or that has been set aside to the reporting agency, regardless of whether the land is within the public land trust, is ceded land, or both;
- (2) By August 1, 2011, on the disposition or transfer of any parcel of land, or part of a parcel of land, to which the agency holds title, and provide documents pertinent to that disposition or transfer; and
- (3) By January 1, 2012, any inaccuracy discovered in the information provided to the department pursuant to paragraph (1) or (2) and include:
 - (A) A description of how the inaccuracy will be corrected; and
 - (B) Copies of all documents related to the correction of those inaccuracies.

SECTION 3. (a) The department of land and natural resources shall submit a progress report to the legislature no later than twenty days prior to the convening of the regular sessions of 2012 and 2013. The progress report shall:

- (1) Indicate what is necessary to complete the public land trust inventory and the public land trust information system; and
- (2) Include any proposed legislation that the department deems necessary to facilitate the expeditious completion and support of the inventory and information system.

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

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

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

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

(Approved May 20, 2011.)