

JAN 26 2022

A BILL FOR AN ACT

RELATING TO COASTAL LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that impending sea level
2 rise presents numerous significant challenges on how Hawaii's
3 coastal lands will be used in the future. As the State strives
4 to manage these challenges, information regarding the ownership
5 of these lands, their value as stranded assets, the potential
6 contribution they could make towards achieving the State's food
7 security goals, and how they were customarily and traditionally
8 used before European contact should form the basis for policies
9 that will best serve future generations.

10 As government agencies collaborate with private interests
11 to weigh the costs and benefits of various sea level rise
12 mitigation strategies, issues relating to the lack of clear
13 title for a large portion of real property in the State will
14 have a significant impact on the policy decisions that must be
15 made. Current data on land ownership and use is insufficient to
16 help develop informed policies on how coastal lands in the State
17 that are affected by impending sea level rise will be managed.



1 The legislature further finds that additional data on state
2 coastal lands affected by impending sea level rise is necessary
3 to determine the potential benefits of developing policies aimed
4 at returning coastal lands impacted by sea level rise to a
5 native Hawaiian entity. These policies would address the
6 State's unmet obligations regarding monies owed to the office of
7 Hawaiian affairs, the failure of the department of Hawaiian home
8 lands, and the general condition of native Hawaiians who suffer
9 from the dispossession of their ancestral lands.

10 The purpose of this Act is to require the legislative
11 reference bureau to conduct a study on coastal lands in the
12 State that are affected by impending sea level rise.

13 SECTION 2. (a) The legislative reference bureau shall
14 conduct a study on coastal lands in the State that are affected
15 by impending sea level rise. The study shall include:

- 16 (1) An historical survey of private land tenure in Hawaii;
17 (2) A risk assessment that analyzes issues related to the
18 ownership of state coastal lands, including potential
19 legal challenges related to title from the need to
20 transfer ownership of coastal lands and stranded
21 assets due to sea level rise;



(3) A determination of coastal lands in the State that are and will be impacted by sea level rise;

(4) A list that categorizes the coastal lands in the State by the likelihood that legal challenges will arise from state efforts to mitigate the effects of sea level rise;

(5) Lists of the coastal properties in the State that are impacted by sea level rise, including information on the number of real properties that are owned by:

(A) Persons that became United States citizens by virtue of the Hawaiian Organic Act, or by descending from those persons; and

(B) Persons who are not descendants of those that became United States citizens by virtue of the Hawaiian Organic Act;

(6) Information on the residential status of the owners of coastal property in the State that is impacted by sea level rise, including information on the number of real properties that are:

(A) Owned by Hawaii resident-owners; and



1 (B) Occupied by an owner for only a portion of each
2 year to supplement a primary residence elsewhere.

3 (b) The legislative reference bureau may contract the
4 professional services of a qualified entity to conduct the study
5 under subsection (a). Any contract executed by the legislative
6 reference bureau pursuant to this Act shall be exempt from
7 chapter 103D, Hawaii Revised Statutes.

8 (c) At the request of the legislative reference bureau,
9 each state or county department or agency shall provide to the
10 legislative reference bureau or its contracted entity any
11 requested data or materials necessary to conduct the study
12 required by this Act.

13 (d) The legislative reference bureau shall submit a report
14 of its findings and recommendations, including any proposed
15 legislation, to the legislature no later than twenty days prior
16 to the convening of the regular session of 2027.

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2022-2023 to
20 conduct the study pursuant to section 2 of this Act.



1 The sum appropriated shall be expended by the legislative
2 reference bureau for the purposes of this Act.

3 SECTION 4. This Act shall take effect on July 1, 2022.

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INTRODUCED BY:

Jan Acasio



S.B. NO. 3364

Report Title:

Legislative Reference Bureau; Study; Sea Level Rise; Coastal Lands; Ownership; Appropriation

Description:

Requires the Legislative Reference Bureau to conduct a five-year study on the coastal lands in the State that are affected by impending sea level rise. Appropriates funds for the study.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

