

JAN 25 2006

S.B. NO. 3094

A BILL FOR AN ACT

RELATING TO THE LAND COURT.

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

1 SECTION 1. Section 501-33, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§501-33 Accretion to land.** An applicant for registration
4 of land by accretion shall prove by a preponderance of the
5 evidence that the accretion is natural and permanent; provided
6 that [~~no~~]:

7 (1) No applicant other than the State shall register land
8 accreted along the ocean, except that a private
9 property owner whose eroded land has been restored by
10 accretion may file an accretion claim to regain title
11 to the restored portion[~~-~~]; and

12 (2) The accreted land did not result from the private
13 property owner planting and maintaining or otherwise
14 encouraging vegetation on the seaward boundary of the
15 property affected. The applicant shall supply the
16 office of environmental quality control with notice of
17 the application, for publication in the office's
18 periodic bulletin in compliance with section



1 343-3(c)(4). The application shall not be approved
2 unless the office of environmental quality control has
3 published notice in the office's periodic bulletin.

4 As used in this section, "permanent" means that the
5 accretion has been in existence for at least twenty years. The
6 accreted portion of the land shall be state land except as
7 otherwise provided in this section and shall be considered
8 within the conservation district. Prohibited uses are governed
9 by section 183-45."

10 SECTION 2. Section 669-1, Hawaii Revised Statutes, is
11 amended by amending subsection (e) to read as follows:

12 "(e) Action may be brought by any person to quiet title to
13 land by accretion; provided that no action shall be brought by
14 any person other than the State to quiet title to land accreted
15 along the ocean, except that a private property owner whose
16 eroded land has been restored by accretion may also bring such
17 an action for the restored portion. The person bringing the
18 action shall prove by a preponderance of the evidence that the
19 accretion is natural and permanent[-] and did not result from
20 the private property owner planting and maintaining or otherwise
21 encouraging vegetation on the seaward boundary of the property
22 affected. The person bringing the action shall supply the



1 office of environmental quality control with notice of the
 2 action for publication in the office's periodic bulletin in
 3 compliance with section 343-3(c)(4). The quiet title action
 4 shall not be decided by the court unless the office of
 5 environmental quality control has properly published notice of
 6 the action in the office's periodic bulletin.

7 As used in this section, "permanent" means that the
 8 accretion has been in existence for at least twenty years. The
 9 accreted portion of land shall be state land except as otherwise
 10 provided in this section and shall be considered within the
 11 conservation district. Prohibited uses are governed by section
 12 183-45."

13 SECTION 3. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Land Court; Accreted Lands

SB. NO. 3094

Description:

Provides that a landowner may not file claim for accreted lands caused by landowner's planting and maintaining vegetation on the seaward boundary of the property affected.

