
A BILL FOR AN ACT

RELATING TO ACCRETED LANDS.

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 applicant other than the State shall register land~~
7 ~~accreted along the ocean, except that a private property owner~~
8 ~~whose eroded land has been restored by accretion may file an~~
9 ~~accretion claim to regain title to the restored portion. The~~
10 ~~applicant shall supply the office of environmental quality~~
11 ~~control with notice of the application, for publication in the~~
12 ~~office's periodic bulletin in compliance with section 343-~~
13 ~~3(c)(4). The application shall not be approved unless the~~
14 ~~office of environmental quality control has published notice in~~
15 ~~the office's periodic bulletin].~~
16 [~~As used in this section, "permanent"~~] "Permanent" means
17 that the accretion has been in existence for at least twenty
18 years. The accreted portion of the land shall be [~~state land~~



1 ~~except as otherwise provided in this section and shall be]~~
2 considered within the conservation district[~~;~~] unless designated
3 otherwise by the land use commission under chapter 205.

4 Prohibited uses are governed by section 183-45."

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

7 "(e) Action may be brought by any person to quiet title to
8 land by accretion[~~;~~ ~~provided that no action shall be brought by~~
9 ~~any person other than the State to quiet title to land accreted~~
10 ~~along the ocean, except that a private property owner whose~~
11 ~~eroded land has been restored by accretion may also bring such~~
12 ~~an action for the restored portion]. The person bringing the~~
13 ~~action shall prove by a preponderance of the evidence that the~~
14 ~~accretion is natural and permanent. [The person bringing the~~
15 ~~action shall supply the office of environmental quality control~~
16 ~~with notice of the action for publication in the office's~~
17 ~~periodic bulletin in compliance with section 343-3(e)(4). The~~
18 ~~quiet title action shall not be decided by the court unless the~~
19 ~~office of environmental quality control has properly published~~
20 ~~notice of the action in the office's periodic bulletin.]~~

21 [~~As used in this section, "permanent"~~] "Permanent" means
22 that the accretion has been in existence for at least twenty



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1 years. The accreted portion of land shall be [~~state land except~~
 2 ~~as otherwise provided in this section and shall be~~] considered
 3 within the conservation district[-] unless designated otherwise
 4 by the land use commission under chapter 205. Prohibited uses
 5 are governed by section 183-45."

6 SECTION 2. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY: _____

Calvin K. By

BY REQUEST

JAN 26 2011



Report Title:
Accreted Lands

Description:
Repeals the provisions of law that authorize only the State to register for or quiet title to accreted lands along the ocean.

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