

JAN 26 2011

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



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: Michelle Fedani



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.

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

