

STAND. COM. REP. NO. **2946**

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2591

H.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Judiciary and Labor, to which was referred H.B. No. 2591, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ACCRETED LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to clarify that land accreted after May 20, 2003, shall be public land except as otherwise provided by law.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and Attorney General.

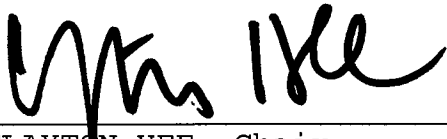
According to testimony of the Department of Land and Natural Resources, on May 19, 2005, a class action lawsuit was filed contending that Act 73, Session Laws of Hawaii 2003, affected a constitutional "taking" of accreted land belonging to oceanfront owners and that the State must pay just compensation for the land taken. The courts ruled that accretion occurring after May 20, 2003, could become public land without affecting any privately owned vested rights. Accordingly, this measure clarifies that the State's accretion laws only affects land that is accreted after May 20, 2003.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2591, H.D. 2, and



recommend that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Water, Land, and Housing and Judiciary and Labor,



CLAYTON HEE, Chair



DONOVAN M. DELA CRUZ, Chair



