

STAND. COM. REP. NO.

158

Honolulu, Hawaii

February 6, 2013

RE: H.B. No. 933  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committees on Water & Land and Ocean, Marine Resources,  
& Hawaiian Affairs, to which was referred H.B. No. 933 entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL SHORELINE ENCROACHMENT  
EASEMENTS,"

beg leave to report as follows:

The purpose of this measure is to give the Board of Land and  
Natural Resources the discretionary authority to grant easements  
for less than fair market value for structures that were, at the  
time of construction, authorized by an appropriate regulatory  
agency and located landward of the shoreline within the record  
boundary of an oceanfront property but, over time, have become  
located seaward of the shoreline because of the dynamic nature of  
the shoreline.

One individual testified in support of this measure. The  
Department of Land and Natural Resources and the Office of  
Planning submitted comments.

Your Committees have amended this measure by:

- (1) Incorporating language provided by the Department of  
Land and Natural Resources and the Office of Planning to  
clarify that:

HB933 HD1 HSCR WAL-OMH HMS 2013-1736



- (A) The grant of an easement for a special shoreline encroachment shall not be construed as the State's approval of any risk taken by a littoral property owner; and
- (B) Easements granted for a special shoreline encroachment shall take into account the public policies of shoreline protection and access as well as the risks to life and property posed by coastal hazards;
- (2) Changing its effective date to July 1, 2020, for the purpose of encouraging further discussion on this matter; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 933, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 933, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Water & Land and  
Ocean, Marine Resources, &  
Hawaiian Affairs,

  
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FAYE P. HANOHANO, Chair

  
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CINDY EVANS, Chair





