STAND. COM. REP. NO. 2946

Honolulu, Hawaii

MAR 2 3 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

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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

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Water, Land and Housing WLH

Bill / Resolution No.:*	Committee Referral:			Date:				
HB2591 HD2	WHI	JDL, W	AM	2-20	-12			
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
DELA CRUZ, Donovan M. (C)		V						
SOLOMON, Malama (VC)								
FUKUNAGA, Carol					8			
RYAN, Pohai								
SHIMABUKURO, Maile								
TOKUDA, Jill N.								
SLOM, Sam								
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Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
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^{*}Only one measure per Record of Votes

The Senate Twenty-Sixth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:							
HB2591, HD2	WLHNDL,WAM 3/20/12							
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
. Members		Aye	Aye (WR)	Nay	Excused			
HEE, Clayton (C)								
SHIMABUKURO, Maile (VC)								
GABBARD, Mike								
IHARA, Jr., Les								
SLOM, Sam					V			
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TOTAL	-	3			2			
Recommendation: Adopted Not Adopted								
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