STAND. COM. REP. NO.

Honolulu, Hawaii , 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:



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- (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,

CINDY EVANS, Chair





State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 933 Committee Referral: WAL/OMH, JUD Date: 2/1/13						
□ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) 						
WAL Members	Ayes	Ayes (WR)	Nays	Excused		
1. EVANS, Cindy (C)						
2. LOWEN, Nicole E. (VC)						
3. COFFMAN, Denny						
4. CULLEN, Ty J.K.						
5. HANOHANO, Faye P.						
6. KAWAKAMI, Derek S.K.	\checkmark					
7. LEE, Chris	\checkmark					
8. FALE, Richard Lee						
9. THIELEN, Cynthia						
TOTAL (9)	7		Ø	1		
The recommendation is: Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature: Mille Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						



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Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

Bill/Resolution No.: HB 933	Committee Referral: WAL/DMH & JVD					
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: □ Pass, unamended (as is) ▲ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)						
OMH Members	Ayes	Ayes (WR)	Nays	Excused		
1. HANOHANO, Faye P. (C)						
2. CULLEN, Ty J.K. (VC)						
3. COFFMAN, Denny						
4. EVANS, Cindy						
5. KAWAKAMI, Derek S.K.						
6. LEE, Chris						
7. LOWEN, Nicole E.						
8. FALE, Richard Lee						
TOTAL (8)	7	Ø	Ø	/		
The recommendation is: Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						