

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 1125
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 1125 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to provide the Board of Land and Natural Resources with the discretion to grant easements for less than fair market value for encroaching structures that were authorized by an appropriate regulatory agency and originally constructed landward of the shoreline and within the record boundary of an oceanfront property but are now, due to the dynamic nature of the location of the shoreline, located within the shoreline area.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received comments on this measure from the Office of Planning.

Your Committee finds that any structures located seaward of the shoreline location, as determined by the Department of Land and Natural Resources, are considered encroachments upon public land. When an encroachment is discovered, it may be resolved by either removal or obtaining an easement from the Department of Land and Natural Resources, even if the structure was located within the record boundary of the landward property at the time of construction. Additionally, pursuant to sections 171-13 and 171-17(b), Hawaii Revised Statutes, easements granted by the Board of

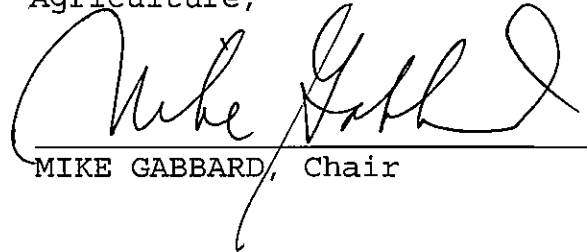


Land and Natural Resources under these circumstances require compensation at fair market value. This reading of the law has caused the Department of Land and Natural Resources to be named as a party in claims regarding structures, improvements, and debris in the shoreline area that was once private property, which has led to an increased strain on the Department's resources.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1125, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1125, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Agriculture,



MIKE GABBARD, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water, Land, and Agriculture
WLA

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1125</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WLA, JDL/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02-17-16</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
DELA CRUZ, Donovan M.	/			
RIVIERE, Gil	/			
RUDERMAN, Russell E.	/			
SHIMABUKURO, Maile S.L.	/			
THIELEN, Laura H.	/			
WAKAI, Glenn				/
SLOM, Sam				/
TOTAL	7			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">Clarence K. Nishihara</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes