



GOV. MSG. NO. 1156

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 23, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

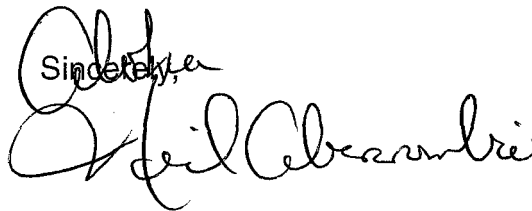
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 23, 2012, the following bill was signed into law:

HB2591 HD2

RELATING TO ACCRETED LANDS.  
**Act 056 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

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# A BILL FOR AN ACT

RELATING TO ACCRETED LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 171-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§171-2 Definition of public lands. "Public lands" means  
4 all lands or interest therein in the State classed as government  
5 or crown lands previous to August 15, 1895, or acquired or  
6 reserved by the government upon or subsequent to that date by  
7 purchase, exchange, escheat, or the exercise of the right of  
8 eminent domain, or in any other manner; including [~~accreted~~]  
9 lands accreted after May 20, 2003, and not otherwise awarded,  
10 submerged lands, and lands beneath tidal waters [~~which~~] that are  
11 suitable for reclamation, together with reclaimed lands [~~which~~]  
12 that have been given the status of public lands under this  
13 chapter, except:

14 (1) Lands designated in section 203 of the Hawaiian Homes  
15 Commission Act, 1920, as amended;

16 (2) Lands set aside pursuant to law for the use of the  
17 United States;

18 (3) Lands being used for roads and streets;



- 1           (4) Lands to which the United States relinquished the  
2           absolute fee and ownership under section 91 of the  
3           Hawaiian Organic Act prior to the admission of Hawaii  
4           as a state of the United States unless subsequently  
5           placed under the control of the board of land and  
6           natural resources and given the status of public lands  
7           in accordance with the state constitution, the  
8           Hawaiian Homes Commission Act, 1920, as amended, or  
9           other laws;
- 10          (5) Lands to which the University of Hawaii holds title;
- 11          (6) Lands to which the Hawaii housing finance and  
12          development corporation in its corporate capacity  
13          holds title;
- 14          (7) Lands to which the Hawaii community development  
15          authority in its corporate capacity holds title;
- 16          (8) Lands to which the department of agriculture holds  
17          title by way of foreclosure, voluntary surrender, or  
18          otherwise, to recover moneys loaned or to recover  
19          debts otherwise owed the department under chapter 167;
- 20          (9) Lands [~~which~~] that are set aside by the governor to  
21          the Aloha Tower development corporation; lands leased  
22          to the Aloha Tower development corporation by any



1 department or agency of the State; or lands to which  
2 the Aloha Tower development corporation holds title in  
3 its corporate capacity;

4 (10) Lands [~~which~~] that are set aside by the governor to  
5 the agribusiness development corporation; lands leased  
6 to the agribusiness development corporation by any  
7 department or agency of the State; or lands to which  
8 the agribusiness development corporation in its  
9 corporate capacity holds title; and

10 (11) Lands to which the high technology development  
11 corporation in its corporate capacity holds title."

12 SECTION 2. Section 501-33, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§501-33 Accretion to land.** An applicant for registration  
15 of land by accretion shall prove by a preponderance of the  
16 evidence that the accretion is natural and permanent[+] and that  
17 the land accreted before or on May 20, 2003; provided that [ne  
18 applicant other than the];

19 (1) The State [shall] may register land accreted along the  
20 ocean[, ~~except that a~~] after May 20, 2003; and

21 (2) A private property owner whose eroded land has been  
22 restored by accretion after May 20, 2003, may file an



1 accretion claim to regain title to the restored  
2 portion.

3 The applicant shall supply the office of environmental  
4 quality control with notice of the application, for publication  
5 in the office's periodic bulletin in compliance with section  
6 343-3(c)(4). The application shall not be approved unless the  
7 office of environmental quality control has published notice in  
8 the office's periodic bulletin.

9 As used in this section, "permanent" means that the  
10 accretion has been in existence for at least twenty years. The  
11 accreted portion of the land [~~shall be state land except as~~  
12 ~~otherwise provided in this section and~~] shall be considered  
13 within the conservation district. Land accreted after May 20,  
14 2003, shall be public land except as otherwise provided in this  
15 section. Prohibited uses are governed by section 183-45."

16 SECTION 3. Section 669-1, Hawaii Revised Statutes, is  
17 amended by amending subsection (e) to read as follows:

18 "(e) Action may be brought by any person to quiet title to  
19 land by accretion; provided that no action shall be brought by  
20 any person other than the State to quiet title to land accreted  
21 along the ocean[~~7~~] after May 20, 2003, except that a private  
22 property owner whose eroded land has been restored by accretion



1 may also bring such an action for the restored portion. The  
2 person bringing the action shall prove by a preponderance of the  
3 evidence that the accretion is natural and permanent[+] and that  
4 the land accreted before or on May 20, 2003. The person  
5 bringing the action shall supply the office of environmental  
6 quality control with notice of the action for publication in the  
7 office's periodic bulletin in compliance with section 343-  
8 3(c)(4). The quiet title action shall not be decided by the  
9 court unless the office of environmental quality control has  
10 properly published notice of the action in the office's periodic  
11 bulletin.

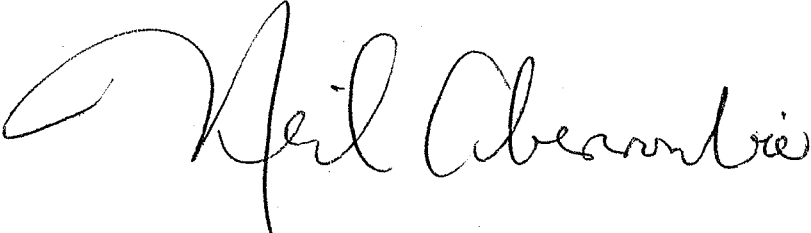
12 As used in this section, "permanent" means that the  
13 accretion has been in existence for at least twenty years. The  
14 accreted portion of land [~~shall be state land except as~~  
15 ~~otherwise provided in this section and~~] shall be considered  
16 within the conservation district. Land accreted after May 20,  
17 2003, shall be public land except as otherwise provided in this  
18 section. Prohibited uses are governed by section 183-45."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.



APPROVED this 23 day of APR, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large, sweeping initial "N".

GOVERNOR OF THE STATE OF HAWAII