Honolulu, Hawaii

Fely 3, 2006

RE: H.B. No. 2135 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and Economic Development & Business Concerns, to which was referred H.B. No. 2135 entitled:

"A BILL FOR AN ACT RELATING TO EMINENT DOMAIN,"

beg leave to report as follows:

The purpose of this bill is to prohibit the State, counties, and private entities from exercising the power of eminent domain for the purpose of urban or economic development that would result in the development of any nongovernmental retail, office, commercial, residential, or industrial development or use.

The Hawaii Association of Realtors and several concerned individuals supported this bill. The Small Landowners of Oahu, Small Landowners Association of Hawaii, and several concerned individuals supported the intent of this bill. The County of Hawaii and Department of the Corporation Counsel of the City and County of Honolulu opposed this measure. A Councilmember of the City and County of Honolulu, Department of Planning and Permitting of the City and County of Honolulu, and a concerned individual offered comments.

Your Committees are cognizant of mounting public concerns over a recent United States Supreme Court decision, *Kelo v. New London*, allowing eminent domain actions on the mainland involving certain types of non-governmental facilities.

Your Committees fully recognize the need to honor and protect the individual and property rights of citizens while allowing government to fulfill its responsibilities in meeting public needs, both for the present and for the future.

Accordingly, your Committees have attempted to balance these interests by amending this bill to permit the exercise of eminent domain for nongovernmental developments that are determined by the governing authority to be integral and required for public purpose projects, including but not limited to affordable housing, homeless shelters, hospitals, schools, disaster preparedness or renewal projects, and mass transit systems.

In addition, your Committees have:

- (1) Changed the effective date to July 1, 2020, to encourage further discussion of this measure; and
- (2) Made technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Economic Development & Business Concerns that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2135, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2135, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Water, Land, & Ocean Resources and Economic Development & Business Concerns,

IN RIKI KARAMATSU, Chair

EZYA R. KANOHO, Chair



State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: 135	Date:	1/27/0	6				
Committee Referral: WLO/EDB, JUD, FIN	C C C						
ne recommendation is to: Pass, unamended Pass, with amendments							
□ Hold □ Recommit							
WLO Members	Ayes	Ayes (WR)	Nays	Excused			
1. KANOHO, Ezra R. (C)							
2. SCHATZ, Brian (VC)							
3. BERG, Lyla B., Ph.D.		V					
4. CARROLL, Mele	-V						
5. EVANS, Cindy							
6. HARBIN, Bev							
7. MORITA, Hermina M.							
8. WATERS, Tommy							
9. MEYER, Colleen Rose	/			V			
10. THIELEN, Cynthia	√						
TOTAL	6	2		2			
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. committee acronym(s) Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office							



State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Economic Development & Business Concerns

Bill/Resolution No.:	Date:	1/27/06	•		
Committee Referral: WLO/EDB	The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended	Pass, with amendments				
☐ Hold	☐ Recommit				
EDB Members	Ayes	Ayes (WR)	Nays	Excused	
1. KARAMATSU, Jon Riki (C)					
2. WAKAI, Glenn (VC)					
3. ABINSAY, Felipe P., Jr.					
4. CHANG, Jerry L.					
5. HERKES, Robert N.	<u></u>				
6. MAGAOAY, Michael Y.					
7. TSUJI, Clift	_				
8. YAMASHITA, Kyle T.					
9. CHING, Corinne W.L.					
19. MARUMOTO, Barbara C.		/			
TOTAL	2	4	\mathscr{D}	4	
The recommendation is: Adopted Not Adopted If joint referral,	mmittee acronym(did not support	recommendation.	'	
Vice Chair's or designee's signature:					
Distribution: Original (White) - Commutee	Duplicate (Yellov	w) – Clerk's Office			