STAND. COM. REP. NO. 3160

Honolulu, Hawaii

MAR 2 4 2006

RE: H.B. No. 2239

H.D. 1 S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing, to which was referred H.B. No. 2239, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND ACQUISITION,"

begs leave to report as follows:

The purpose of this measure is to appropriate funds and authorize eminent domain proceedings for the acquisition of the Kukui Gardens property from Kukui Gardens Corporation.

Testimony in support of the measure was submitted by the Housing and Community Development Corporation of Hawaii (with suggested amendments), two members of the Honolulu City Council, the Affordable Housing and Homeless Alliance, the Hawaii Association of Realtors, Empower Oahu, Solidarity with the Homeless, and thirty-two individuals.

Your Committee finds that this measure is necessary to acquire Kukui Gardens in the public interest and for public use as an affordable housing project, by exercise of the power of eminent domain. Your Committee further finds that it is necessary to provide for the public financing of the acquisition of Kukui Gardens by condemnation through the expenditure of general funds and any available revenue bond proceeds and private funds at the disposal of the State.

Your Committee has amended the measure to:



- (1) Delete the limitation on use of eminent domain for acquisition of Kukui Gardens until after June 30, 2007;
- (2) Include a legislative declaration that acquisition of Kukui Gardens by eminent domain is in the public interest and is required for public use;
- (3) Exempt acquisition of Kukui Gardens from the provision of section 201G-16, Hawaii Revised Statutes, making condemnation of parcels greater than fifteen acres subject to legislative disapproval; and
- (4) Make technical, nonsubstantive amendments for style.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2239, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2239, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Housing,

RON MENOR. Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Commerce, Consumer Protection and Housing (Bills and Resolutions)

Measure:* HB 2239 HD1 CPH, WAM 3-16-06				
The committee is reconsidering its previous decision on this measure.				
If so, then the previous decision was to:				
The Recommendation is to:				
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
MENOR, Ron (C)				nn verge geellen in het der verdie
BAKER, Rosalyn H. (VC)				
ESPERO, Will				
IGE, David Y.				
SAKAMOTO, Norman				
HOGUE, Bob				
TOTAL	4	_	_	2
Recommendation: Adopted Not Adopted				
Chair's or Designee's Signature: Kossly H Laker				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

^{*}Do <u>not</u> list more than one measure per Record of Votes.