STAND. COM. REP. NO. **2621** 

Honolulu, Hawaii

MAR - 2 2006

RE: S.B. No. 2986 S.D. 2

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2986, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the requirements for taking private property by eminent domain.

Testimony in support of this measure was submitted by the Department of Planning of the City and County of Honolulu, the Hawaii Farm Bureau, the Kona County Farm Bureau, the Maui County Farm Bureau, the Small Owners Land Association of Hawaii, and the Small Land Owners of Oahu. Testimony in opposition to this measure was submitted by the County of Hawaii and the City and County's Corporation Counsel. Comments were submitted by two individuals.

Your Committee finds that this measure is in response to the recent United States Supreme Court decision of Kelo v. New London, 125 S. Ct. 2655 (2005), which raised concerns that urban renewal or economic development may be cited as a justification for allowing the government to condemn private property for the benefit of a private entity despite the fact that the property may not be for public use. This measure would set parameters on the government's ability to condemn land by restricting ownership to the "condemnor," requiring judicial review, and defining "stated public use."

Your Committee has amended this measure to make technical, nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2986, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2986, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

## The Senate Twenty-Third Legislature State of Hawaii

## Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Referral:		Date:	1	1
SB 2986 SD1	WLA/IGA, JHW		2	128	106
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
HANABUSA, Colleen (C)		1//			
HEE, Clayton (VC)		- 4//			
CHUN OAKLAND, Suzanne		٤/			
ENGLISH, J. Kalani					
IHARA, Jr., Les					
WHALEN, Paul	·				
<u> </u>					
	,				
				•	
· ····································					
TOTAL	and the state of t	4	0	0	a
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod					
File with Committee Report \ Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Do not list more than one measure per Record of Votes.