STAND. COM. REP. NO. 2146

Honolulu, Hawaii

Feb. 16

, 2006

RE:

S.B. No. 3191

S.D. 1

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

Sir:

Your Committees on Water, Land, and Agriculture and Intergovernmental Affairs, to which was referred S.B. No. 3191 entitled:

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

beg leave to report as follows:

The purpose of this measure is to prohibit the taking and transferring of private property to a private entity that had expressed an interest in purchasing the property for development or commercial purposes or any other private use.

Testimony in support of this measure was submitted by C&H Farms, Hawaii Association of Realtors, Small Landowners of Oahu, Small Landowners Association of Hawaii, and one individual. Testimony in opposition to this measure was submitted by the City and County of Honolulu's Department of Planning and Permitting.

Your Committees find that in the wake of a recent United States Supreme Court decision in *Kelo v. New London*, 125 S.Ct. 2655 (2005), there has been a growing concern that the need for urban renewal or economic development may be cited as justification for allowing the government to condemn private property for the benefit of another private entity but not clearly for a public use. This measure amends the provisions for taking private property to prohibit taking and transferring property to another private entity that had previously expressed an interest in purchasing the property for development or commercial purposes or any other private use.

Your Committees have amended this measure by:

- Excluding public utilities, irrigation systems, (1)affordable housing and community developments, and the condemnation of development tracts from the new provisions; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3191, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3191, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

> Respectfully submitted on behalf of the members of the Committees on Water, Land, and Agriculture and Intergovernmental Affairs,

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Water, Land and Agriculture (Bills and Resolutions)

Measure:* Committee Referral: Date: 2/13/06							
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is to:							
(2312) (231	(2311) (2310) (2313)						
Members	Ayes	Ayes(WR)	Nays	Excused			
KOKUBUN, Russell S. (C)							
HOOSER, Gary L. (VC)							
ENGLISH, J. Kalani			- 44				
FUKUNAGA, Carol			Con				
HEMMINGS, Fred							
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TOTAL	4			1			
Recommendation: Adopted Not Adopted							
Chair's or Designee's Signature: Out Julianes							
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.

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Intergovernmental Affairs (Bills and Resolutions)

Measure:* SB 3191	Committee Referral: WLA/IGA, JHW		Date: 2	Date: 2-13-06			
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		
IGE, David Y. (C)							
KIM, Donna Mercado (VC)		<u> </u>					
BAKER, Rosalyn H.	(1 · · · · · · · · · · · · · · · · · · ·		ļ				
ENGLISH, J. Kalani		/					
INOUYE, Lorraine R.		:	ļ				
NISHIHARA, Clarence K.							
SLOM, Sam							
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TOTAL		4			3		
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							

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