STAND. COM. REP. NO. 25/15

Honolulu, Hawaii

MAR - 2 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 Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 3191, 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 prohibit the taking by eminent domain and subsequent 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.

Your Committee received testimony in support of this measure from the Honolulu Department of Planning and Permitting, the Hawaii Association of Realtors, the Small Landowners of Oahu & Small Landowners Association of Hawaii, the Hawaii Farm Bureau, and one individual. Testimony in opposition was received from the County of Hawaii. Comments were received from the University of Hawaii Environmental Center.

This measure amends the condemnation law 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 Committee finds 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 narrows the scope of that taking to address concerns that public use should not include commercial development or any other private purpose, except for public utilities, irrigation systems, affordable housing and community development, and development tracts, all of which have a significant connection to public use.

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. 3191, S.D. 1, and recommends that it pass Third Reading.

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 - 6	, / , ,
SB 3/191 SD1	WLAZIGA			-   VS	104
The committee is reconsidering is previous decision on this measure.  If so, then the previous decision was to					
The Recommendation is to:					
Pass, unamended (2312)	Pass, with a	mendments /	Hold (231		Recommit (2313)
Members		Ayes //	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)			<i>(</i>		
HEE, Clayton (VC)	:		, ,		
CHUN OAKLAND, Suzanne			rikoli		-//
ENGLISH, J. Kalani		. 14 T <b>#</b> 12 . Th			-H
IHARA, Jr., Les WHALEN, Paul				: 	
WHALEN, Paul 1990 1 April 1999	· :-		To some management	i Adjoria	
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TOTAL		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.