
A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 101, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§101- Just compensation and damages payable for certain**
5 **types of property.** (a) A plaintiff that acquires a parcel of
6 real property through the exercise of eminent domain under this
7 chapter shall compensate the defendant as follows:

8 (1) For land classified as agricultural under chapter 205,
9 and other lands in actual agricultural use:

10 (A) Payment to the defendant equal to _____ per cent
11 of the fair market value of the parcel as
12 determined under section 101-23;

13 (B) Payment of any other damages determined under
14 section 101-23 and any loss in the defendant's
15 trade or business that is attributable to the
16 exercise of eminent domain; and

17 (C) Payment of the defendant's reasonable relocation
18 costs, if any;



1 (2) For a parcel of real property occupied by the
2 defendant as a primary residence:

3 (A) Payment to the defendant equal to _____ per cent
4 of the fair market value of the property as
5 determined under section 101-23;

6 (B) Payment of any other damages determined under
7 section 101-23 and any loss incurred in the
8 defendant's trade or business that is
9 attributable to the exercise of eminent domain;

10 and

11 (C) Payment of the defendant's reasonable relocation
12 costs, if any;

13 and

14 (3) For a parcel of real property not described in
15 paragraph (1) or (2):

16 (A) Payment to the defendant equal to _____ per cent
17 of the fair market value of the parcel as
18 determined under section 101-23;

19 (B) Payment of any other damages determined under
20 section 101-23 and any loss incurred in the
21 defendant's trade or business that is



1 attributable to the exercise of eminent domain;

2 and

3 (C) Payment of the defendant's reasonable relocation
4 costs, if any.

5 (b) This section does not limit or restrict the right of a
6 defendant to payment of any amounts authorized by law in
7 addition to compensation or damages for the property taken from
8 the defendant."

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun, before its effective date.

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Eminent Domain

Description:

Establishes that the just condemnation price for agricultural land shall be % of value assessed pursuant to section 101-23, HRS, plus loss to business, plus relocation costs; for primary residence, %, plus loss to business or trade, plus relocation cost; for other property, %, plus loss to business or trade, plus cost of relocation. (HB1591 HD1)

