STAND. COM. REP. NO. **Z S O**

Honolulu, Hawaii

Felg , 2007

RE: H.B. No. 1590 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 1590 entitled:

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

begs leave to report as follows:

The purpose of this bill is to require the state or county to offer to resell condemned property that:

- (1) Is not used for the condemned purpose after five years have elapsed; or
- (2) Ceases to be used for the purpose for which it was condemned,

to the former owner for the lesser of:

- (1) The current appraised value; or
- (2) The condemnation price plus the cost of environmental remediation or cleanup or other improvements.

Kamehameha Schools, the Hawaii Association of REALTORS, Hawaii Farm Bureau Federation, and the Maui County Farm Bureau testified in support of this bill. The National Federation of Independent Businesses in Hawaii supported the intent of this measure. The Department of the Corporation Counsel of the City and County of Honolulu opposed this bill.

HB1590 HD1 HSCR WLH HMS 2007-1849



Your Committee has amended this bill by:

- (1) Authorizing, instead of requiring, the state or county to offer the property for repurchase to the former owner, if the condemned property is not used within 5 years or if it ceases to be used for the purpose for which it was condemned;
- (2) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1590, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1590, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs,

KEN ITO, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.:	Date:			
нв 1590	160	. 5,2007		
Committee Referral:	☐ The committee is reconsidering its			
WLH, JUD, FIN	previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	 Pass, with amendments, for recommittal for further consideration 			
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	K			
2. CHONG, Pono (VC)	4			
3. CARROLL, Mele			·	k
4. MAGAOAY, Michael Y.	`			
5. MORITA, Hermina M.	X			
6. SAGUM, Roland D., III	<u>~</u>			
7. SAIKI, Scott K.	~			
8. THIELEN, Cynthia	X			
	·			
TOTAL	7			1
The recommendation is: Adopted				
☐ Not Adopted				
If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				