STAND. COM. REP. NO. 251

Honolulu, Hawaii

RE: H.B. No. 1591 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. 1591 entitled:

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

begs leave to report as follows:

The purpose of this bill is to ensure the payment of fair and just compensation for condemned property, by providing that a plaintiff with the power of eminent domain is required to compensate a defendant condemnee, in addition to damages and losses to trade or business due to the condemnation, reasonable relocation costs, and:

- For agricultural lands, 125 percent of the fair market (1)value;
- (2) For real property occupied as a primary residence, 150 percent of the fair market value; and
- (3) For any other type of real property, 100 percent of the fair market value.

The Hawaii Association of REALTORS and the Hawaii Farm Bureau Federation testified in support of this bill. The Department of Agriculture and 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.

HB1591 HD1 HSCR WLH HMS 2007-1850



Your Committee has amended this bill by:

- (1) Changing the percentages of the fair market value of the three different types of land to unspecified percentages;
- (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. 1591, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1591, 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

HSCR 25/

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.: HB 1591	Date:	b. 5,200	1	
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)	<u> </u>			
3. CARROLL, Mele				٧
4. MAGAOAY, Michael Y.	<u> </u>			
5. MORITA, Hermina M.	V			
6. SAGUM, Roland D., III	<u> </u>			
7. SAIKI, Scott K.	•	· · ·		
8. THIELEN, Cynthia	X			
				4
			Vienvanenen	
				
TOTAL	7			(
The recommendation is: • • Adopted				
√ □ Not Adopted				
If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
vice chair 5 or designet 5 signature.				
Distribution: Original (White) – Committee Duplicate (Yellow) – elerk's Office				