STAND. COM. REP. NO. 567

Honolulu, Hawaii

, 2011 Ech 18

H.B. No. 836 RE: H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 836, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY,"

begs leave to report as follows:

The purpose of this bill is to require the State or, alternatively, the counties to exercise its power of eminent domain against private property owners upon the request of an adjacent land owner.

Several concerned individuals testified in support of this bill. The Department of the Attorney General, Department of Land and Natural Resources, Department of Transportation, City and County of Honolulu Department of Design and Construction, County of Hawaii's Office of the Corporation Counsel, and City and County of Honolulu opposed this measure.

Your Committee has amended this bill by:

Replacing its contents with provisions that clarify that county public highways once established that are vacated, closed, abandoned, or discontinued are to remain the property of the county in which they are located and are deemed to be old government roads; and

(2) Changing its effective date to January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 836, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 836, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 836 HD	Committee W L O	Referral:	N Date	112 [1]	
☐ The committee is reconsidering its previ	ous decision	on the measure.			
	unamended (a hort form bill		s, with amendments		
JUD Members		Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)					
2. RHOADS, Karl (VC)					
3. BROWER, Tom					
4. CABANILLA, Rida T.R.					
5. CARROLL, Mele					/
6. HERKES, Robert N.					/
7. ITO, Ken					
8. LUKE, Sylvia		<u> </u>		:	
9. McKELVEY, Angus L.K.					
10. MORITA, Hermina M.					
11. OSHIRO, Blake K.		<u> </u>			
12. SOUKI, Joseph M.					
13. TSUJI, Clift					
14. FONTAINE, George R.					
15. MARUMOTO, Barbara C.					
16. THIELEN, Cynthia					-
					:
TOTAL (16)		12	١	0	3
	opted referral,	□ Not Adop	did not supp	oort recommendation	1.
Vice Chair's or designee's signature:	Karl	Mho	يار _		
Distribution: Original (White) – Commi	ittee Du	plicate (Yellow)	– Chief Clerk's Offic	ce Duplicate (I	Pink) – HMSO