

ACT 84

H. B. NO. 1969-72

A Bill for an Act Relating to the Acquisition of Private Personal Property for Public Use.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 101, Hawaii Revised Statutes is amended by adding two new sections to be appropriately designated and to read:

“Sec. 101- Taking private personal property for public use. In con-

nection with the taking for public use of private real property used for agricultural purposes, the State or any county may take private personal property which it deems necessary or convenient which has been permanently upon or has been used in connection with the real property being taken. Just compensation must be paid for personal property so taken. Actions under and by virtue of this section, shall be commenced by filing a complaint and issuing a summons thereon. If an action is initiated for the taking of the real property, the action for the taking of the personal property must be joined to it. The complaint shall contain, with reference to the personal property sought to be condemned, a statement of the use to which the property is to be put and a description of the property and shall join as defendants all persons who are owners or claimants thereof. The procedure for the acquisition of private personal property shall, except as otherwise expressly provided in this section, be the same as in other actions brought under this chapter unless the provision by its terms is clearly inapplicable to the acquisition of personal property.

Sec. 101- Negotiated purchase of private personal property under threat of condemnation. Any law requiring governmental purchase of personal property pursuant to competitive bidding to the contrary notwithstanding, private personal property, sought to be acquired under threat of the exercise of the power of eminent domain, may be acquired through negotiated purchase.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 19, 1972.)

*Edited accordingly.