
A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

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

1 SECTION 1. In the wake of the recent United States Supreme
2 Court decision in *Kelo v. New London* (04-108), June 23, 2005,
3 there has been a growing concern that the need for urban renewal
4 or economic development may be cited as justification for
5 allowing government, directly or through other entities, to
6 condemn private property and transfer the property to the
7 benefit of another private person or entity.

8 The purpose of this Act is to establish a task force to
9 undertake a review of those issues related to the use of eminent
10 domain, by either the State or the counties, for purposes of
11 urban or other economic development or renewal that may result
12 in creation of facilities, structures, or uses that are wholly
13 or partially privately owned.

14 SECTION 2. (a) There shall be established, within the
15 legislative reference bureau for administrative purposes, an
16 eminent domain task force, whose purpose shall be to review
17 issues related to the use of eminent domain by the State or the
18 counties for purposes of economic development or renewal,



1 particularly with respect to any use of eminent domain that
2 would result in wholly or partially privately owned facilities,
3 structures, or uses. The task force shall recommend, if it
4 finds advisable, proposed legislation relating to possible
5 additional statutory limitations on the use of eminent domain by
6 either the State or the counties. The task force shall take
7 into account in making its recommendations, the features, needs,
8 and history of the State and the counties, as well as statutory
9 approaches that have been considered or implemented in
10 jurisdictions outside of the state.

11 (b) The task force shall be composed of at least the
12 following members:

- 13 (1) One member selected by the state office of planning;
- 14 (2) One member selected by the state department of
15 transportation;
- 16 (3) One member selected by the city and county of Honolulu
17 department of planning and permitting;
- 18 (4) One member selected by each of the departments of
19 planning of the counties of Kauai, Maui, and Hawaii;
- 20 (5) One member selected by the Hawaii Association of
21 Realtors;
- 22 (6) One member selected by Hawaii's Thousand Friends;



- 1 (7) One member selected by the National Federation of
2 Independent Business, Hawaii office;
- 3 (8) One member selected by the Hawaii Farm Bureau;
- 4 (9) One member selected by Hawaiian Electric Company,
5 Inc.;
- 6 (10) One member selected by the Land Use Research
7 Foundation of Hawaii;
- 8 (11) Two members selected by the speaker of the house of
9 representatives; and
- 10 (12) Two members selected by the president of the senate.
- 11 (c) The members of the task force shall elect a
12 chairperson by a majority vote of all members present at its
13 first meeting; provided that the number of members present at
14 the first meeting shall be at least one-half of the total number
15 of members. The members of the task force may, by a majority
16 vote at a meeting at which at least a majority of members are
17 present, nominate and elect additional persons to serve on the
18 task force.
- 19 (d) The task force members shall serve without
20 compensation.
- 21 (e) The legislative reference bureau shall provide
22 necessary staff and logistical support for the task force.



1 SECTION 3. Upon completion of its review, the task force
2 shall prepare and submit its findings and recommendations,
3 including any proposed legislation, to the legislature no later
4 than twenty days prior to the convening of the regular session
5 of 2007. The task force shall cease to exist on July 1, 2007.

6 SECTION 4. This Act shall take effect on July 1, 2096.



S.B. NO. 2986

Report Title:
Eminent Domain

Description:
Establishes the Eminent Domain Task Force within the Legislative Reference Bureau. Effective date July 1, 2006. (SB2986 HD2)

SB2986 HD2 HMS 2006-3102

