
A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

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

1 SECTION 1. Section 101-71, Hawaii Revised Statutes, is
2 amended to read as follows:
3 " [PART IV. ACQUISITION OF PRIVATE PERSONAL PROPERTY]
4 §101-71 Taking private personal property for public use;
5 prohibitions. (a) In connection with the taking for public use
6 of private real property, the State or any county may take for a
7 public use private personal property which it deems necessary or
8 convenient which has been permanently upon or has been used in
9 connection with the real property being taken. Just
10 compensation must be paid for personal property so taken.
11 Actions under and by virtue of this section shall be commenced
12 by filing a complaint and issuing a summons thereon. If an
13 action is initiated for the taking of the real property, the
14 action for the taking of the personal property must be joined to
15 it. The complaint shall contain, with reference to the personal
16 property sought to be condemned, a statement of the use to which
17 the property is to be put and a description of the property and
18 shall join as defendants all persons who are owners or claimants



1 thereof. The procedure for the acquisition of private personal
 2 property shall, except as otherwise expressly provided in this
 3 section, be the same as in other actions brought under this
 4 chapter unless the provision by its terms is clearly
 5 inapplicable to the acquisition of personal property.

6 (b) Notwithstanding any law to the contrary, a
 7 governmental or private entity may not take private real or
 8 personal property through the use of eminent domain if the
 9 taking is for economic development purposes, unless the economic
 10 development is a secondary purpose."

11 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:

Bud Stonebraker v

Colleen Muffin

Affanrejan

ZR

JAN 25 2006



HB 2891

Report Title:
Eminent domain

Description:
Prohibits the use of eminent domain for purely economic reasons.

HB HMIA 70-2006

