

Honolulu, Hawaii

Feb 3, 2006

RE: H.B. No. 2135  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and  
Economic Development & Business Concerns, to which was referred  
H.B. No. 2135 entitled:

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

beg leave to report as follows:

The purpose of this bill is to prohibit the State, counties,  
and private entities from exercising the power of eminent domain  
for the purpose of urban or economic development that would result  
in the development of any nongovernmental retail, office,  
commercial, residential, or industrial development or use.

The Hawaii Association of Realtors and several concerned  
individuals supported this bill. The Small Landowners of Oahu,  
Small Landowners Association of Hawaii, and several concerned  
individuals supported the intent of this bill. The County of  
Hawaii and Department of the Corporation Counsel of the City and  
County of Honolulu opposed this measure. A Councilmember of the  
City and County of Honolulu, Department of Planning and Permitting  
of the City and County of Honolulu, and a concerned individual  
offered comments.

Your Committees are cognizant of mounting public concerns  
over a recent United States Supreme Court decision, *Kelo v. New  
London*, allowing eminent domain actions on the mainland involving  
certain types of non-governmental facilities.



Your Committees fully recognize the need to honor and protect the individual and property rights of citizens while allowing government to fulfill its responsibilities in meeting public needs, both for the present and for the future.

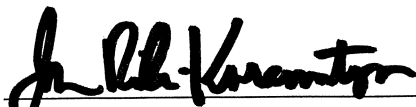
Accordingly, your Committees have attempted to balance these interests by amending this bill to permit the exercise of eminent domain for nongovernmental developments that are determined by the governing authority to be integral and required for public purpose projects, including but not limited to affordable housing, homeless shelters, hospitals, schools, disaster preparedness or renewal projects, and mass transit systems.

In addition, your Committees have:

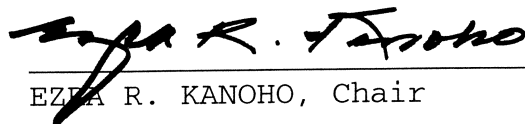
- (1) Changed the effective date to July 1, 2020, to encourage further discussion of this measure; and
- (2) Made technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Economic Development & Business Concerns that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2135, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2135, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land, &  
Ocean Resources and Economic  
Development & Business  
Concerns,



JUN RIKI KARAMATSU, Chair



EZRA R. KANOHO, Chair





