

STAND. COM. REP. NO.

3160

Honolulu, Hawaii

MAR 24 2006

RE: H.B. No. 2239
H.D. 1
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,
to which was referred H.B. No. 2239, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND ACQUISITION,"

begs leave to report as follows:

The purpose of this measure is to appropriate funds and
authorize eminent domain proceedings for the acquisition of the
Kukui Gardens property from Kukui Gardens Corporation.

Testimony in support of the measure was submitted by the
Housing and Community Development Corporation of Hawaii (with
suggested amendments), two members of the Honolulu City Council,
the Affordable Housing and Homeless Alliance, the Hawaii
Association of Realtors, Empower Oahu, Solidarity with the
Homeless, and thirty-two individuals.

Your Committee finds that this measure is necessary to
acquire Kukui Gardens in the public interest and for public use as
an affordable housing project, by exercise of the power of eminent
domain. Your Committee further finds that it is necessary to
provide for the public financing of the acquisition of Kukui
Gardens by condemnation through the expenditure of general funds
and any available revenue bond proceeds and private funds at the
disposal of the State.

Your Committee has amended the measure to:

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- (1) Delete the limitation on use of eminent domain for acquisition of Kukui Gardens until after June 30, 2007;
- (2) Include a legislative declaration that acquisition of Kukui Gardens by eminent domain is in the public interest and is required for public use;
- (3) Exempt acquisition of Kukui Gardens from the provision of section 201G-16, Hawaii Revised Statutes, making condemnation of parcels greater than fifteen acres subject to legislative disapproval; and
- (4) Make technical, nonsubstantive amendments for style.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2239, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2239, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Housing,



RON MENOR, Chair



