

Honolulu, Hawaii

MAR - 2 2006

RE: S.B. No. 2986
S.D. 2

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2986, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the requirements for taking private property by eminent domain.

Testimony in support of this measure was submitted by the Department of Planning of the City and County of Honolulu, the Hawaii Farm Bureau, the Kona County Farm Bureau, the Maui County Farm Bureau, the Small Owners Land Association of Hawaii, and the Small Land Owners of Oahu. Testimony in opposition to this measure was submitted by the County of Hawaii and the City and County's Corporation Counsel. Comments were submitted by two individuals.

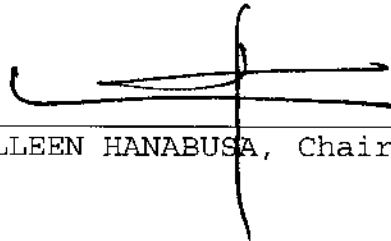
Your Committee finds that this measure is in response to the recent United States Supreme Court decision of *Kelo v. New London*, 125 S. Ct. 2655 (2005), which raised concerns that urban renewal or economic development may be cited as a justification for allowing the government to condemn private property for the benefit of a private entity despite the fact that the property may not be for public use. This measure would set parameters on the government's ability to condemn land by restricting ownership to the "condemnor," requiring judicial review, and defining "stated public use."



Your Committee has amended this measure to make technical, nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2986, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2986, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



