

STAND. COM. REP. NO.

2196

Honolulu, Hawaii

Feb. 16

, 2006

RE: S.B. No. 3191
S.D. 1

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

Sir:

Your Committees on Water, Land, and Agriculture and Intergovernmental Affairs, to which was referred S.B. No. 3191 entitled:

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

beg leave to report as follows:

The purpose of this measure is to prohibit the taking and transferring of private property to a private entity that had expressed an interest in purchasing the property for development or commercial purposes or any other private use.

Testimony in support of this measure was submitted by C&H Farms, Hawaii Association of Realtors, Small Landowners of Oahu, Small Landowners Association of Hawaii, and one individual. Testimony in opposition to this measure was submitted by the City and County of Honolulu's Department of Planning and Permitting.

Your Committees find that in the wake of a recent United States Supreme Court decision in *Kelo v. New London*, 125 S.Ct. 2655 (2005), there has been a growing concern that the need for urban renewal or economic development may be cited as justification for allowing the government to condemn private property for the benefit of another private entity but not clearly for a public use. This measure amends the provisions for taking private property to prohibit taking and transferring property to another private entity that had previously expressed an interest in purchasing the property for development or commercial purposes or any other private use.

2006-1355 SSCR SMA.doc

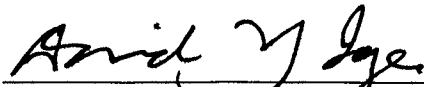


Your Committees have amended this measure by:

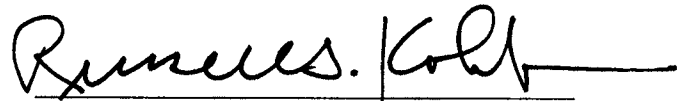
- (1) Excluding public utilities, irrigation systems, affordable housing and community developments, and the condemnation of development tracts from the new provisions; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3191, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3191, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Agriculture and
Intergovernmental Affairs,



DAVID Y. IGE, Chair



RUSSELL S. KOKUBUN, Chair



