

Honolulu, Hawaii

MAR - 2 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 Committee on Judiciary and Hawaiian Affairs, to which
was referred S.B. No. 3191, 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 prohibit the taking by
eminent domain and subsequent 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.

Your Committee received testimony in support of this measure
from the Honolulu Department of Planning and Permitting, the
Hawaii Association of Realtors, the Small Landowners of Oahu &
Small Landowners Association of Hawaii, the Hawaii Farm Bureau,
and one individual. Testimony in opposition was received from the
County of Hawaii. Comments were received from the University of
Hawaii Environmental Center.

This measure amends the condemnation law 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.

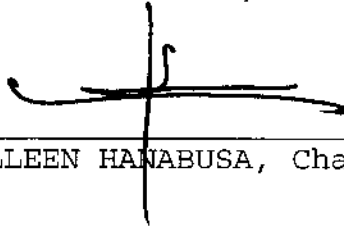
Your Committee finds that in the wake of a recent United
States Supreme Court decision in *Kelo v. New London*, 125 S.Ct.
2655 (2005), there has been a growing concern that the need for
urban renewal or economic development may be cited as



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 narrows the scope of that taking to address concerns that public use should not include commercial development or any other private purpose, except for public utilities, irrigation systems, affordable housing and community development, and development tracts, all of which have a significant connection to public use.

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. 3191, S.D. 1, and recommends that it pass Third Reading.

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



COLLEEN HANABUSA, Chair



