

JAN 22 2007

A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 101, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§101- Just compensation and damages payable for certain
5 types of property. (a) A plaintiff that acquires a parcel of
6 real property through the exercise of eminent domain under this
7 chapter shall compensate the defendant as follows:

8 (1) For land classified as agricultural under chapter 205,
9 and other lands in actual agricultural use:

10 (A) Payment to the defendant equal to one hundred
11 twenty-five per cent of the fair market value of
12 the parcel as determined under section 101-23;

13 (B) Payment of any other damages determined under
14 section 101-23 and any loss in the defendant's
15 trade or business that is attributable to the
16 exercise of eminent domain; and

17 (C) Payment of the defendant's reasonable relocation
18 costs, if any;



1 (2) For a parcel of real property occupied by the
2 defendant as a primary residence:

3 (A) Payment to the defendant equal to one hundred
4 fifty per cent of the fair market value of the
5 property as determined under section 101-23;

6 (B) Payment of any other damages determined under
7 section 101-23 and any loss incurred in the
8 defendant's trade or business that is
9 attributable to the exercise of eminent domain;

10 and

11 (C) Payment of the defendant's reasonable relocation
12 costs, if any; and

13 (3) For a parcel of real property not described in
14 subsection (1) or (2):

15 (A) Payment to the defendant equal to one hundred per
16 cent of the fair market value of the parcel as
17 determined under section 101-23;

18 (B) Payment of any other damages determined under
19 section 101-23 and any loss incurred in the
20 defendant's trade or business that is
21 attributable to the exercise of eminent domain;

22 and



1 (C) Payment of the defendant's reasonable relocation
2 costs, if any.

3 (b) This section does not limit or restrict the right of a
4 defendant to payment of any amounts authorized by law in
5 addition to compensation or damages for the property taken from
6 the defendant."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: S.S.T.K.
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Report Title:
Eminent Domain

Description:

Establishes that the just condemnation price for agricultural land shall be 125% of value assessed pursuant to section 101-23, HRS, plus loss to business, plus relocation costs; for primary residence, 150%, plus loss to business or trade, plus relocation cost; for other property, 100%, plus loss to business or trade, plus cost of relocation.

