

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- Right of reacquisition under certain

5 circumstances. (a) When five years have elapsed and real
6 property taken under the power of eminent domain is not used for
7 the purpose stated in the condemnation resolution or other
8 legislation or declaration authorizing the condemnation, or if
9 the real property ceases to be used for the purpose stated in
10 the condemnation resolution or other legislation or declaration
11 authorizing the condemnation, the plaintiff shall offer the
12 property for sale to the defendant in the condemnation action as
13 provided in this section.

14 (b) The plaintiff shall notify the defendant in writing of
15 the current appraised value of the real property and of the
16 defendant's right to purchase the real property, within sixty
17 days of the date the notice is served, at a price equal to:

18 (1) The current appraised value of the real property; or



1 (2) The compensation paid to the defendant at the time the
 2 property was acquired by the plaintiff, plus any
 3 cleanup or environmental remediation costs or other
 4 amounts expended by the plaintiff to improve the
 5 property after the date the plaintiff obtained title,
 6 whichever is less."

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.

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INTRODUCED BY: *S.S.T.H.*
Norman Sakuma
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Report Title:

Eminent Domain

Description:

Requires plaintiff to offer to resell property to defendant for current appraised value or condemnation price plus and cost of environmental remediation or cleanup or other improvements if property taken in eminent domain is not used for the purpose for which it was condemned.

