

STAND. COM. REP. NO.

972

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1279
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1279, 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 provide a property owner an avenue for judicial relief when the public purpose of a proposed condemnation is in question, and to provide a means for those whose property has been taken by eminent domain to repurchase the property if the property has not been used or ceases to be used for the public use stated in the instrument authorizing condemnation.

Your Committee received testimony in support of this measure from the Hawaii Association of Realtors and a concerned individual. The National Federation of Independent Businesses in Hawaii supported the intent of the measure. The Department of Transportation and the Corporation Counsel of the City and County of Honolulu testified in opposition.

Your Committee finds that the power of eminent domain should not be applied casually, for some unspecified future purpose, without due regard to the emotional upheaval suffered by those who lose their property. This measure addresses that concern.

Your Committee notes that in Stand. Com. Rep. No. 194, on this measure, the Committee on Water, Land, Agriculture, and Hawaiian Affairs expressed concerns that references to

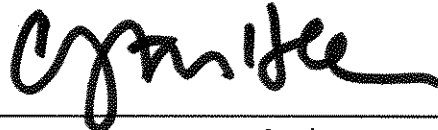
SB1279 SD1 SSCR JDL .doc



"condemnation resolution and other legislation or declaration authorizing the declaration" and the event that commences the sixty day notice requirement require further review and clarification. These matters remain to be addressed as this measure proceeds through the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1279, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1279	WAH, SDL	2/28/07
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
HEE, Clayton (C)	/	
KOKUBUN, Russell S. (VC)	/	
INOUE, Lorraine R.		/
NISHIHARA, Clarence K.	/	
GABBARD, Mike	/	
TOTAL	4	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Russell S. Kohl</div>		
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency		