



Before the Senate Committee on Water and Land and  
the Senate Committee on Intergovernmental & Military Affairs

DATE: Monday, February 11, 2008

TIME: 2:30 p.m.

PLACE: Conference Room - 414

SB 2507 Relating to Eminent Domain

Testimony of Melissa Pavlicek for NFIB Hawaii

Thank you for the opportunity to testify on behalf of the thousands of business owners who make up the membership of the National Federation of Independent Businesses in Hawaii concerning SB 2507.

We support the intent of SB 2507 which is to limit the government's power of eminent domain. NFIB's Hawaii members who responded to a recent ballot on the issue of eminent domain overwhelmingly supported limiting government's authority to acquire property through the use of eminent domain for the purpose of economic development. Therefore, we ask that you amend this measure so that government's authority to acquire property through the use of eminent domain for the purpose of economic development will be more clearly proscribed.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

DEPARTMENT OF THE CORPORATION COUNSEL  
**CITY AND COUNTY OF HONOLULU**

590 SOUTH KING STREET, ROOM 110 • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4859 • FAX: (808) 523-4583 • INTERNET: [www.honolulu.gov](http://www.honolulu.gov)

MUFI HANNEMANN  
MAYOR



CARRIE K. S. OKINAGA  
CORPORATION COUNSEL

DONNA M. WOO  
FIRST DEPUTY CORPORATION COUNSEL

February 8, 2008

The Honorable Clayton Hee, Chair,  
and Members  
Committee on Water and Land, and  
The Honorable Lorraine R. Inouye, Chair,  
and Members  
Committee on Intergovernmental  
and Military Affairs  
The Senate  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Hee and Inouye and Members:

Re: Request to Revise Senate Bill No. 2507, Relating to Eminent Domain

We request that Senate Bill No. 2507 be revised as indicated hereinbelow. We cannot support this bill without the requested revisions.

The bill proposes to amend Sections 46-1.5(6) and 101-2 of the Hawaii Revised Statutes, relating to eminent domain, to prohibit the condemning and/or transferring of private property to a private entity that expressed an interest in purchasing the same property for private use. Takings for public utilities, irrigation systems, affordable housing and community developments, and condemnation of development tracts are excepted.

If passed in its present form, we believe that the bill could preclude the City and County of Honolulu from using its power of eminent domain in acquiring real property along its proposed mass transit route if any of this property is used by entities for non-governmental activities in connection with mass transit. Accordingly, we request that an exception be added to the bill for takings for mass transit systems. We believe that mass transit is similar to the other uses already excepted in the bill which may involve non-governmental activities.

The Honorable Clayton Hee, Chair,  
and Members, and  
The Honorable Lorraine R. Inouye, Chair,  
and Members  
The Senate  
February 8, 2008  
Page 2

Additionally, we believe the terms "expressed an interest in purchasing" and "private entity" are unclear. Does "expressed an interest in purchasing" mean simply making an inquiry as to a particular piece of property? Does it mean making an offer for a particular piece of property? Does "private entity" include a non-profit organization? These terms need to be further defined or clarified before we can provide our support for the bill.

For the above reasons, we request that the bill be revised.

Very truly yours,

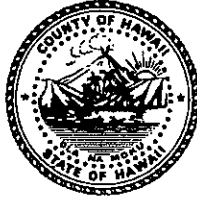


WINSTON K. Q. WONG  
Deputy Corporation Counsel

WKW:di

LEG2008-SB 2507 TESTIMONY.WKW

**BOB JACOBSON**  
Councilmember

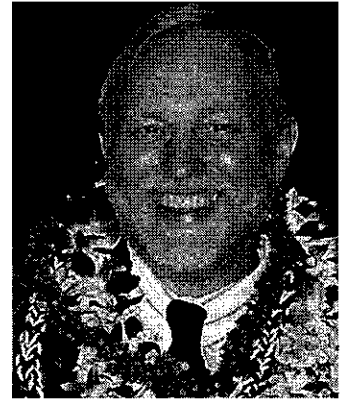


*Chair, Environmental Management Committee*  
*Vice-Chair, Finance Committee*

**HAWAI'I COUNTY COUNCIL**

*County of Hawai'i*

333 Kīlauea Avenue, Second Floor  
Ben Franklin Building, Hilo, Hawai'i 96720  
Mailing Address: 25 Aupuni Street, Suite 200  
Phone: (808) 961-8263  
Fax: (808) 961-8912  
E-Mail: [bjacobson@co.hawaii.hi.us](mailto:bjacobson@co.hawaii.hi.us)



February 8, 2008  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
And Members  
Committee on Water and Land

Hearing Scheduled for Monday, February 11, 2008 2:30 PM  
Conference Room 414  
State Capitol  
415 South Beretania Street

RE: SB 2507 RELATING TO EMINENT DOMAIN

My testimony is in opposition to SB 2507. This bill would hurt the County of Hawaii's home rule authority and urban renewal projects. The County of Hawaii has had several successful urban renewal projects like Kaiko'o. I am in opposition of any erosion of the powers of local Government State or County to govern their people.

Aloha,

Bob Jacobson  
Hawai'i County Councilmember

**testimony**

---

**From:** Mr. D [sdxn12ga@hawaii.rr.com]  
**Sent:** Saturday, February 09, 2008 5:55 PM  
**To:** testimony  
**Subject:** SB 2507

**RE: SB2507**

**LATE TESTIMONY**

**Thank God for SB 2507 prohibiting the very unamerican act of taking personal private lands only to make money selling it to another private person or entity. Eminent Domain should be reserved ONLY when personal property is NEEDED for the public good. Please vote in favor of this safety measure for each and every one of us who own a piece of Hawaii.**

**Sincerely Yours;**

**Steve Dixon  
91-1457 Halahinano St.  
Kapolei, HI 96707  
808-676-5336  
[sdxn12ga@hawaii.rr.com](mailto:sdxn12ga@hawaii.rr.com)**