

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 581

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 581 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 use of the State's power of eminent domain to take and transfer private property to a private entity that had expressed interest in purchasing the same property for development purposes or other private use.

Testimony in support of this measure was submitted by two organizations and two public citizens. One organization supported the intent of the measure. Testimony in opposition was submitted by one county council member and one county agency. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that in the wake of the recent United States Supreme Court decision in *Kelo v. City of 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 government to condemn private property and transfer the property to the benefit of another private person or entity. In many cases the receiving private entity had expressed an earlier interest in the condemned property for development or other private use. Your Committee believes that this measure will support the protection of private property



rights by imposing reasonable restrictions on the use of the State's power of eminent domain.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 581 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land,  
Agriculture, and Hawaiian  
Affairs,



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CLAYTON HEE, Chair



