

STAND. COM. REP. NO. 567

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 836
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 836, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY,"

begs leave to report as follows:

The purpose of this bill is to require the State or, alternatively, the counties to exercise its power of eminent domain against private property owners upon the request of an adjacent land owner.

Several concerned individuals testified in support of this bill. The Department of the Attorney General, Department of Land and Natural Resources, Department of Transportation, City and County of Honolulu Department of Design and Construction, County of Hawaii's Office of the Corporation Counsel, and City and County of Honolulu opposed this measure.

Your Committee has amended this bill by:

- (1) Replacing its contents with provisions that clarify that county public highways once established that are vacated, closed, abandoned, or discontinued are to remain the property of the county in which they are located and are deemed to be old government roads; and

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- (2) Changing its effective date to January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 836, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 836, H.D. 2.

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



GILBERT KEITH-AGARAN, Chair



