

JAN 20 2012

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- Award of attorney's fees, witness fees and costs
5 to defendant; conditions to award. (a) Whenever any proceeding
6 instituted under this part is held to determine the amount of
7 compensation or damages to be awarded to any person in
8 occupation of or having a claim or interest in any property, the
9 court shall award the defendant's reasonable attorney's fees,
10 appraisal costs, and expert witness fees in the event that the
11 judgment awarded as a result of the trial exceeds by ten percent
12 or more the plaintiff's original statement of the sum of money
13 estimated to be just compensation or damages.

14 (b) The attorney general or other attorney representing a
15 plaintiff in effecting a settlement of an eminent domain
16 proceeding may allow to the defendant reasonable attorney fees,
17 appraisal costs, and expert witness fees."

18 SECTION 2. New statutory material is underscored.

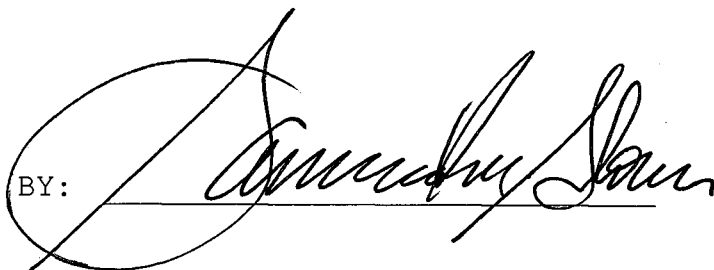


1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Assemblyman".



S.B. NO. 2628

Report Title:

Eminent domain; Fees and costs

Description:

Provides that the court shall award reasonable attorney's fees, appraisal cost, and expert witness fees if the judgment on compensation or damages exceeds the plaintiff's original written statement by ten per cent or more and allows payment in settlement.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

