

STAND. COM. REP. NO. 110

Honolulu, Hawaii

Feb 8, 2011

RE: H.B. No. 836

H.D. 1

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

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 836 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 owner of land.

The Department of Land and Natural Resources (DLNR) and Department of the Corporation Counsel of the City and County of Honolulu (Corporation Counsel) opposed this bill.

After careful consideration, your Committee has amended this bill by amending the definition of "private property" to mean a privately owned highway, roadway, or lane; provided that ownership of the privately owned highway, roadway, or lane is not determinable through public searches at the Bureau of Conveyances, Land Court, or real property tax division of any county. Technical, nonsubstantive amendments have also been made for the purposes of clarity, consistency, and style.

Your Committee acknowledges that DLNR expressed reservations about personal-injury litigation and the Corporation Counsel raised constitutional concerns with respect to this bill.

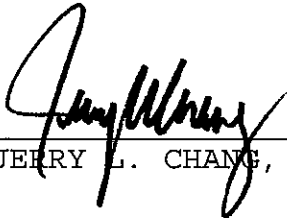
HB836 HD1 HSCR WLO HMS 2011-1702



However, your Committee respectfully requests that the Committee on Judiciary further examine these issues.

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

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



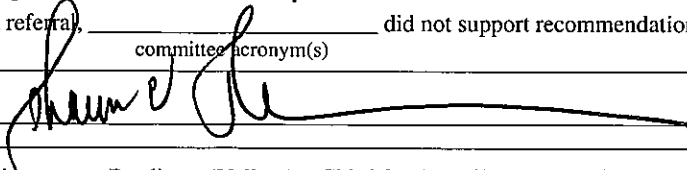
JERRY L. CHANG, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 110

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB 836	Committee Referral: WLO, JUD, FIN	Date: 1/31/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. CARROLL, Mele				✓
5. CHONG, Pono	✓			
6. COFFMAN, Denny				✓
7. HERKES, Robert N.				✓
8. ITO, Ken	✓			
9. MORITA, Hermina M.	✓			
10. NAKASHIMA, Mark M.	✓			
11. RIVIERE, Gil		X		
12. THIELEN, Cynthia	✓			
TOTAL (12)	8	1		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				