

___B. No. ___

A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 101, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§101- Just compensation and damages payable for certain types of property. (a) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this chapter shall compensate the owner of the parcel as follows:

(1) For land classified as agricultural under chapter 205, and other lands in actual agricultural use:

(A) payment to the owner equal to one hundred twenty-five percent (125%) of the fair market value of the parcel as determined under section 101-23;

(B) payment of any other damages determined under section 101-23 and any loss in the condemnee's trade or business that is attributable to the exercise of eminent domain;
and

(C) payment of the condemnee's reasonable relocation costs, if any.

(2) For a parcel of real property occupied by the owner as a primary residence:

(A) payment to the owner equal to one hundred fifty percent (150%) of the fair market value of the property as determined under section 101-23;

(B) payment of any other damages determined under section 101-23 and any loss incurred in the condemnee's trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the condemnee's relocation costs, if any.

(3) For a parcel of real property not described in subsections (1) and (2):

(A) payment to the owner equal to one hundred percent (100%) of the fair market value of the parcel as determined under section 101-23;

(B) payment of any other damages determined under section 101-23 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(b) This section does not limit or restrict the right of an owner to payment of any amounts authorized by law in addition to compensation or damages for the property taken from the owner.

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____