

____.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- Right of reacquisition under certain circumstances. (a) When five years have elapsed and real property taken under the power of eminent domain is not used for the purpose stated in the condemnation resolution or other legislation or declaration authorizing the condemnation, or if the real property ceases to be used for the purpose stated in the condemnation resolution or other legislation or declaration authorizing the condemnation, the condemnor shall offer the property for sale to the prior owner of the condemned property as provided in this section.

(b) The condemnor shall notify the prior owner of the real property condemned in writing of the current appraised value of the real property, and of the prior owner's right to purchase

the real property within sixty days of the date the notice is served at a price equal to

(i) the current appraised value of the real property,

or

(ii) the compensation paid the owner at the time the property was acquired by the condemnor, plus any cleanup or environmental remediation costs or other amounts expended by the condemnor to improve the property after the date the condemnor obtained title, whichever is less."

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 Statutory material to be repealed is bracketed and stricken.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: _____