



LATE TESTIMONY

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**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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February 13, 2019
2:01 p.m.
State Capitol, Room 325

**H.B. 653, H.D. 1
RELATING TO STATE PARTITIONS**

House Committee on Judiciary

The Department of Transportation (DOT) **supports** this bill.

This bill would require that all Land Court actions for partition or easement made by the State shall be given preference over all other applications filed and that the State's applications shall be quickly heard and determined.

The DOT is a State agency. In order to build and open highways for public use, the DOT must acquire the necessary land properties and interests. These properties and interests are often under the jurisdiction of the Land Court. Actions for partitions and easements include DOT petitions and related matters. Such DOT petitions and related matters, which must be completed to acquire such properties, are presently not given priority over private acquisition matters.

Due to the high volume of documents submitted to the Land Court, including petitions and related matters, and limited staff, final disposition of documents may take years. While the DOT recognizes the importance of private acquisition matters, it also believes that it is in the best interest of the public to prioritize DOT matters in Land Court in order to expedite the completion and public opening of safe and efficient roads to the greatest extent possible. Prioritizing DOT petitions and related matters before the Land Court would be one important step in streamlining and expediting the road building process.

The DOT wishes to recognize the highly competent and valiant efforts of the Land Court in dealing with its work volume and would like to emphasize that the DOT's support of H.B. 653, H.D. 1, is in no way intended to deprecate the excellent work of the Land Court.

Thank you for the opportunity to provide testimony.



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, February 13, 2019, 2:01 PM
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

by

Calvin C. Ching, Deputy Chief Court Administrator, First Circuit
Bess Palma, Acting Registrar of the Land Court

Bill No. and Title: House Bill No. 653, House Draft 1 Relating to State Partitions.

Purpose: Requires that land court actions for partition by the State be given priority.

Judiciary's Position: The Judiciary respectfully opposes House Bill No. 653, House Draft 1.

The Judiciary respectfully opposes this bill as it would have significant negative impacts on Land Court. The proposed changes would adversely impact the general public who often are filing land court petitions prior to a sale of their property.

Currently, documents submitted to the Land Court are handled in the order in which they are received. All matters presented for hearing are set and heard as expeditiously as possible.

The court is only able to hold court hearings once a week (on Mondays). If this legislation were to pass, non-State cases would be delayed in order to accomplish the proposed change.

Thank you for the opportunity to testify on this measure.

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
Committee on Judiciary

Kevin Simon
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Wednesday, February 13, 2019, 2:01 p.m.

Support for H.B. No. 653, Relating to State Partitions

I am here in the capacity of a concerned private citizen. I strongly support H.B. No. 653 and believe it would be beneficial to the Department of Transportation, Highways Division (DOT) in its mission to maximize available resources to provide a safe, efficient, accessible and sustainable State Highway System.

Prioritizing DOT's partition and easement actions in Land Court is an important step in streamlining road openings and improvements. When the DOT widens or builds new highways for public purposes, DOT acquires land by voluntary conveyance or eminent domain. Sometimes, the property that is being acquired was recorded in the Land Court system, and DOT must petition the Land Court to subdivide the property. When DOT petitions the Land Court to subdivide, the process takes years to complete and it would be extremely difficult to open the road to the public.

Priority in the courts for government acquisition of land for highway projects is not unheard-of. For example, section 101-9, Hawaii Revised Statutes, requires that "[i]n all actions brought under this chapter, to enforce the right of eminent domain, all courts shall give the actions preference over all other civil actions in the matter of setting the actions for hearing or trial, and in hearing them, to the end that all the actions shall be quickly heard and determined." H.B. No. 653 is consistent with the legislature's intent to prioritize eminent domain actions in the courts.

As H.B. No. 653 is in the best interest of the public, I strongly urge the committee to pass this bill so that road openings and improvements will not be delayed. Thank you for the opportunity to testify.