

Honolulu, Hawaii

FEB 15 2008
RE: S.B. No. 2900
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Transportation and International Affairs and Intergovernmental and Military Affairs, to which was referred S.B. No. 2900 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Establish that any respective county, through its authorized agents, has the power to enforce laws and rules applicable to the use of roads in limbo; and
- (2) Ensure that the general public retains the right to use roads in limbo to access coastal and inland recreational areas, including beaches, shores, parks, and trails.

Testimony in support of this measure was received from the Mayor of the County of Kaua'i, Beach Access Hawaii, and one individual. The City and County of Honolulu submitted testimony in opposition. The Department of the Attorney General submitted comments.

Your Committees find that the lack of agreement between the State and the counties on jurisdiction of certain roads should not diminish the fact that the roads are public, and that laws applicable to public roads should apply. In addition, this measure will assist the counties by specifying that no presumption of ownership shall arise because the counties enforce laws on




these roads, and clarify public access to coastal and inland recreational areas.

Your Committees have amended this measure by:

- (1) Providing that a county may, rather than shall, impose and enforce laws on public streets or highways whose ownership is in dispute between the State and the county;
- (2) Addressing the issue of access through roads in limbo by clarifying that the general public has the unrestricted right to use public streets or highways whose ownership is in dispute between the State and the county, in order to access the shoreline and other public recreational areas, but not private streets or highways in dispute;
- (3) Amending the purpose section to reflect these changes; and
- (4) Making a technical amendment for the purpose of clarity.

As affirmed by the records of votes of the members of your Committees on Transportation and International Affairs and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2900, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2900, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and International Affairs and
Intergovernmental and Military
Affairs,


LORRAINE R. INOUÉ, Chair


J. KALANI ENGLISH, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

Bill / Resolution No.:* SB 2900	Committee Referral: TIA/IGM, JDL	Date: 2/11/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred	/			
TOTAL	3	0	0	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes