

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
WATER, LAND, AND OCEAN RESOURCES**

**Monday, January 31, 2011
9:00 AM**

State Capitol, Conference Room 325

**In consideration of
HOUSE BILL 836
RELATING TO REAL PROPERTY**

The gist of House Bill 956 is to require the State or Counties (in the event the State defers to the County) to condemn, at the request of an abutting property owner, privately owned roads, streets, streams, etc... The Department of Land and Natural Resources (Department) opposes this bill.

Liability and maintenance responsibility are the main concerns (i.e., exposing the State to additional claims for personal injury and property damage, and the additional costs to repair and maintain these private roads, streets, and streams, etc.) In light of one of the worst economic downturns in the history of the State, governmental entities such as the State or Counties are simply unable to take on this added responsibility and liability.

The Department respectfully notes that although this bill may benefit a few private property owners who acquired their respective properties with actual or constructive notice of the abutting privately owned road or stream, if passed would be at the expense of the broader general public who ultimately will need to fund the additional costs of liability and maintenance noted above.

The Department respectfully asked that this bill be deferred.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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