

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 1357  
S.D. 2  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committees on Water & Land and Transportation, to which was referred S.B. No. 1357, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

beg leave to report as follows:

The purpose of this measure is to enable the safe and efficient operation of roads in the State by enabling state and county agencies to maintain roads with disputed ownership without incurring liability or assuming ownership of or jurisdiction over those roads.

Your Committees received testimony in support of this measure from the Department of Transportation and Department of the Attorney General. Hawaii Association for Justice submitted testimony in opposition to this measure. The Department of Land and Natural Resources submitted comments.

Your Committees have amended this measure by:

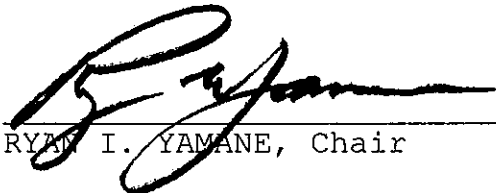
- (1) Deleting language related to the liability of a state or county agency for repairs to a disputed road;
- (2) Adding new language to state that actions by a government agency to maintain roads in dispute shall not create ownership or the evidence of ownership of the road;



- (3) Clarifying that the State may divest itself of interest in a road in dispute through quitclaim conveyance to a county; and
- (4) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water & Land and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1357, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1357, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Water & Land and  
Transportation,

  
\_\_\_\_\_  
RYAN I. YAMANE, Chair

  
\_\_\_\_\_  
CINDY EVANS, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

HSCR 1133

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB1357, SD2 (SSCR577)		Committee Referral: WAL/TRN, JUD		Date: 3-20-13	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
WAL Members		Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)		✓			
2. LOWEN, Nicole E. (VC)		✓			
3. COFFMAN, Denny		✓			
4. CULLEN, Ty J.K.		✓			
5. HANOHANO, Faye P.		✓			
6. KAWAKAMI, Derek S.K.		✓			
7. LEE, Chris					✓
8. FALE, Richard Lee		✓			
9. THIELEN, Cynthia		✓			
TOTAL (9)		8			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: <i>Nicole E Lowen</i>					
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO					

State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

HSCR 1153

**Record of Votes of the Committee on Transportation**

<b>Bill/Resolution No.:</b> SB 1357 SD 2	<b>Committee Referral:</b> WAL/TRN, FIN	<b>Date:</b> 3/20/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>TRN Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. YAMANE, Ryan I. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. HASHEM, Mark J.	✓			
5. ING, Kaniela	✓			
6. NAKASHIMA, Mark M.	✓			
7. TAKUMI, Roy M.	✓			
8. YAMASHITA, Kyle T.	✓			
9. FUKUMOTO, Beth	✓			
<b>TOTAL (9)</b>	8	0	0	1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				