

Honolulu, Hawaii

March 13, 2014

RE: S.B. No. 2761
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2761, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to enable government agencies to maintain roads where the ownership and jurisdiction are in dispute between the State and the counties by:

- (1) Establishing necessary funding for the maintenance and repair of these roads through the authorization of an additional county surcharge on state tax;
- (2) Specifying that the maintenance or repair of disputed roads by any agency shall not be deemed to be an indication that the agency has assumed ownership or jurisdiction of the disputed road; and
- (3) Allowing the State to quitclaim any interest it has in any disputed road if the county requests title to the disputed road.

The Department of Transportation and a City and County of Honolulu Councilmember testified in support of this measure. Hawaii Association of Realtors testified in opposition to this measure. The Department of Land and Natural Resources, Department



of Taxation, Hawaii Association for Justice, and Tax Foundation of Hawaii commented on this measure.

Your Committee has amended this measure by:

- (1) Removing the enabling language establishing an additional county surcharge on state tax, and all relevant references; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that the counties already have a possible revenue stream with a nexus to the maintenance and repair of roads through their ability to alter the county fuel tax by resolution, pursuant to section 243-5, Hawaii Revised Statutes, and that this should be taken into consideration should your Committee on Finance deliberate on this measure.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2761, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2761, S.D. 2, H.D. 1, and be referred to the Committee on Water & Land.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



RYAN I. YAMANE, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSUR 972-14

Record of Votes of the Committee on Transportation

| Bill/Resolution No.: SB2701, SD 2 | Committee Referral: TRN, WAL, FIN | Date: 3-10-14 | | |
|---|---|-------------------------|------|----------|
| <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) | | | | |
| TRN Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. YAMANE, Ryan I. (C) | / | | | |
| 2. TAKAYAMA, Gregg (VC) | / | | | |
| 3. AQUINO, Henry J.C. | / | | | |
| 4. HAR, Sharon E. | | | | / |
| 5. ICHIYAMA, Linda | / | | | |
| 6. ING, Kaniela | / | | | |
| 7. NAKASHIMA, Mark M. | | | | / |
| 8. TAKUMI, Roy M. | / | | | |
| 9. YAMASHITA, Kyle T. | / | | | |
| 10. FUKUMOTO, Beth | / | | | |
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| TOTAL (10) | 8 | — | — | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |