

STAND. COM. REP. NO.

2713

Honolulu, Hawaii

FEB 28 2014

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

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2761, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage public agencies to maintain and repair roads the ownership and jurisdiction of which are in dispute as between the State and a county.

Specifically, this measure:

- (1) Establishes that no action by a state or county agency to maintain or repair a road the ownership or jurisdiction of which is in dispute shall be used to establish the agency's ownership or jurisdiction over the road;
- (2) Authorizes the State to quitclaim ownership of a road to a county; and
- (3) Authorizes the counties to adopt an additional county surcharge on state tax in order to maintain and repair roads the ownership and jurisdiction of which is in dispute and to comply with the Americans with Disabilities Act of 1990, as amended.



Your Committee received written comments in support of the measure from the Department of Transportation. Written comments on the measure were received from the Department of Taxation, Department of Land and Natural Resources, and Tax Foundation of Hawaii.

Your Committee finds that the lack of proper repair and maintenance on public roads the ownership and jurisdiction of which is in dispute as between the State and a county affects the safety of persons traveling over those roads. This measure is necessary because neither the State nor the counties are willing to maintain these roads because the maintenance could be construed as an act of ownership or jurisdiction over the roads.

Your Committee has amended this measure by:

- (1) Providing that the additional county surcharge on state tax cannot become effective unless all three counties that have not adopted the original county surcharge on state tax adopt the additional surcharge and levy the surcharge from the same date;
- (2) Appropriating funds to the Department of Taxation to assist in implementing the additional county surcharge on state tax;
- (3) Moving the new provision on road maintenance from chapter 662, Hawaii Revised Statutes, to part V of chapter 27, Hawaii Revised Statutes;
- (4) Revising the language of the repeal and reenactment of the measure to be consistent with the repeal and reenactment of Act 247, Session Laws of Hawaii 2005;
- (5) Specifying the year "2050" for provisions in the measure with an unspecified year;
- (6) Changing the effective date of the measure to July 1, 2050, to facilitate further discussion; and
- (7) Making technical nonsubstantive amendments for the purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your



Committee is in accord with the intent and purpose of S.B. No. 2761, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2761, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

*David Y. Ige*

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DAVID Y. IGE, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2761, SD1	TIA/PSM/JDL, WAM	2-25-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	<del>✓</del> <i>inle</i>			✓
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam			✓	
	11	0	1	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes