

Honolulu, Hawaii

MAR 24 2017

RE: H.B. No. 115
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 115, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

beg leave to report as follows:

The purpose and intent of this measure is to require:

- (1) The administrative head of each state department or agency to convey, by deed of conveyance, to each respective county the title of all disputed public highways in a county with a population of five hundred thousand or more in which the disputed public highway is situated, after the administrative head of the department or agency first consults with the state director of transportation;
- (2) The applicable county to accept a conveyance without the exercise of discretion; and
- (3) A county to accept surrender of a road in which there is a dispute of ownership and jurisdiction under certain circumstances.



Your Committees received testimony in support of this measure from the Department of Transportation, Musicians' Association of Hawai'i AFM Local 677, Bank of Hawaii, and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that there are numerous roads throughout the State whose ownership has been disputed or called into question. These roads often do not receive proper care and maintenance. These disputes create difficulties for members of the public and government agencies when individuals report repair or maintenance issues.

Act 221, Session Laws of Hawaii 1965, provided that all public highways not under the jurisdiction of the Department of Transportation were declared to be owned by the respective county governments. However, counties have not acknowledged their ownership and jurisdiction, in part because title for many of these roads were not transferred by deed of conveyance or other tangible evidence of ownership.

Your Committees have amended this measure by:

- (1) Removing the definitions of "disputed public highway", "public highway", and "road", and inserting a definition of "disputed road", for purposes of accuracy;
- (2) Clarifying that disputed roads are those in which there is a dispute over ownership and jurisdiction between the State or any of its political subdivisions and the county or a private party, and not just between the State and a private party;
- (3) Removing the requirement that by January 1, 2018, the administrative head each state department or agency convey the title of all disputed public highways to the respective county in which the public highway is situated;
- (4) Removing language relating to the State's acceptance of a road after surrender to the county; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 115, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 115, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs,



CLARENCE K. NISHIHARA, Chair


LORRAINE R. INOUE, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

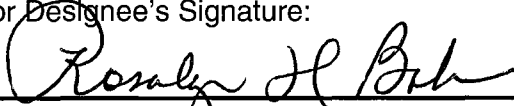
Record of Votes
Committee on Transportation and Energy
TRE

Bill / Resolution No.:* HB 115, HD1	Committee Referral: TRE/PSM, WAM	Date: 3/16/17		
<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
INOUYE, Lorraine R. (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ENGLISH, J. Kalani				✓
HARIMOTO, Breene			✓	
SHIMABUKURO, Maile S.L.	✓			
TOTAL	2	0	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 115, HD 1	TRE / PSM, WAM	3-16-17		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)				✓
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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