

STAND. COM. REP. NO.

1500

Honolulu, Hawaii

APR 07 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 Committee on Ways and Means, to which was referred H.B. No. 115, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

begs leave to report as follows:

The purpose and intent of this measure is to address issues regarding public roads for which there is a dispute between the State and another party over ownership and jurisdiction.

Specifically, this measure requires each county with a population of five hundred thousand or greater to take ownership and jurisdiction over all disputed public roads under certain circumstances.

Your Committee received written comments in support of this measure from the Department of Transportation, Department of Land and Natural Resources, Managing Director of the City and County of Honolulu, Bank of Hawaii, and Chamber of Commerce Hawaii.

Your Committee finds there are numerous roads throughout the State for which ownership has been disputed and that consequently do not receive proper care and maintenance. These disputes create difficulties for both members of the public and for government agencies when individuals report repair or maintenance issues. Your Committee believes this measure will resolve these issues by



requiring the counties to take ownership of and exercise jurisdiction over these disputed roads.

Your Committee notes that the Department of Transportation has requested an amendment to section 4 of Act 194, Session Laws of Hawaii 2016, to change the appropriation date from Fiscal Year 2016-2017 to Fiscal Year 2017-2018, to allow for positions and operating expenditures of the Roads Commission to complete its review of private road ownership disputes as required by that Act.

Your Committee also notes a proposed amendment from the Department of Land and Natural Resources that would ensure that the definition of "disputed roads" includes those roads whose ownership is in dispute between a county and a private landowner. The Department of Land and Natural Resources also requested that, if applicable, language be added to expressly confirm the intent of the Legislature to exempt the surrender of roads to a county under this measure from section 171-64.7, Hawaii Revised Statutes, which requires a supermajority approval of both houses of the Legislature for conveyances of state lands.

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 H.B. No. 115, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

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

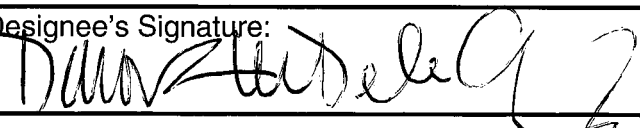


JILL N. TOKUDA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 115, HD1, SD1	TRE/PSM, WAM	4/3/17		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/		/	
INOUYE, Lorraine R.	/			
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
TOTAL	10		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

*Only one measure per Record of Votes