

STAND. COM. REP. NO.

362

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 327  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Transportation and Judiciary, to which was referred S.B. No. 327 entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE ROADS,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Attorney General to condemn certain private roads on the island of Oahu.

Your Committees received testimony in support of this measure from three individuals. Your Committees received testimony in opposition to this measure from the Ho'omanapono Political Action Committee and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources, Department of the Attorney General, Department of Health, and Hawaiian Electric Company.

Your Committees find that there are many roads throughout Hawaii that are not owned by either the State or any county, and whose private ownership is unknown. Although these roads are used by the public, because of the unknown ownership, these roads are not maintained properly and some have fallen into significant disrepair. Your Committees note that currently, no one is paying real property taxes on most or all of the lanes in this measure and they are currently being valued at de minimis amounts. Your Committees also note that a title guarantee report dated April 30,



2014, was not able to determine the current owners of Rawlins Lane.

Your Committees have amended this measure by:

- (1) Deleting all of the lanes required to be condemned by the Attorney General except for Rawlins Lane and Kalani Street;
- (2) Including Factory Street as one of the roads to be condemned;
- (3) Requiring the Attorney General to make a good faith effort to determine whether any kuleana lands are involved prior to condemnation;
- (4) Requiring the Department of Transportation to operate and maintain the roads after condemnation;
- (5) Inserting a blank appropriation; and
- (6) 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 Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 327, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 327, 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 Judiciary,



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KARL RHOADS, Chair



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LORRAINE R. INOUE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation**  
**TRS**

Bill / Resolution No.:* <b>SB 327</b>	Committee Referral: <b>TRS/JDC, VAM</b>	Date: <b>2/18/19</b>		
<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
INOUE, Lorraine R. (C)	✓			
HARIMOTO, Breene (VC)		✓		
ENGLISH, J. Kalani		✓		
SHIMABUKURO, Maile S.L.		✓		
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>1</b>	<b>3</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Breene Harit</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

