

STAND. COM. REP. NO. **540**

Honolulu, Hawaii

**FEB 16**, 2023

RE: H.B. No. 279  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 279, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE COUNTIES,"

begs leave to report as follows:

The purpose of this measure is to allow the counties to utilize county surcharge on state tax revenues for the repair and maintenance of private roads that are open to and used by the public.

Your Committee received testimony in support of this measure from one member of the Maui County Council and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Tax Foundation of Hawaii.

Your Committee finds that many privately-owned roads are utilized for public purposes, such as first responders responding to an emergency or school buses dropping off or picking up students. As such, your Committee believes that the maintenance and upkeep of privately-owned roads serve a public purpose and require assistance from the State.

Your Committee has amended this measure by:

- (1) Removing the prohibition against the use of the county surcharge on state tax for the repair of public roads or highways; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 279, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 279, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



