

STAND. COM. REP. NO.

362

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 1357
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Transportation and International Affairs and Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor, to which was referred S.B. No. 1357 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

beg leave to report as follows:

The purpose and intent of this measure is to enable government agencies to maintain roads whose ownership and jurisdiction are in dispute between the State and the counties without incurring liability or assuming ownership or jurisdiction over those roads.

Your Committees received testimony in support of this measure from the Attorney General; Department of Transportation; Department of Land and Natural Resources; County of Maui, Department of Public Works; County of Hawaii, Department of Public Works; County of Kauai, Department of Public Works; and two individuals. Testimony in opposition to this measure was received from the Hawaii Association for Justice.

Your Committees find that the safety of residents traveling over roads whose ownership and jurisdiction are in dispute between the State and the counties, commonly known as "roads in limbo", is affected by the lack of any maintenance of such roads. Government agencies are unwilling to maintain these roads because the maintenance activities may be construed as assuming ownership and jurisdiction over the disputed roads, and the government agency may be subject to liability due to the maintenance activities.

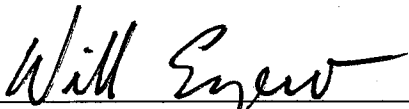


Your Committees have amended this measure on the recommendation of the County of Maui Department of Public Works by:


- (1) Providing that if a county accepts by resolution the dedication of a road whose ownership is in dispute between the county and the State, the county shall not be liable to any person for injury or damage sustained while that person is using that road for a period of ten years following the acceptance of that road by resolution;
- (2) Clarifying the title of the section to conform to the amendment; and
- (3) 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 International Affairs and Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1357, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1357, S.D. 1, and be referred to the Committee on Ways and Means.

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



WILL ESPERO, Chair



J. KALANI ENGLISH, Chair

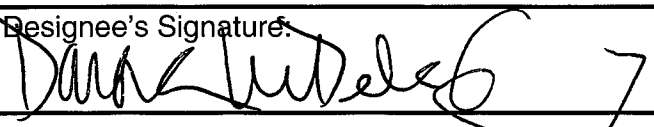


CLAYTON HEE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 1357</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">TIA/PSM/JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02-13-13</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
DELA CRUZ, Donovan M. (VC)	✓			
ESPERO, Will		✓		
GABBARD, Mike				✓
KAHELE, Gilbert		✓		
KEITH-AGARAN, Gilbert S.C.				✓
KOUCHI, Ronald D.	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	3	2		4
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">  </div>				
Distribution: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**

The Senate
Twenty-Seventh Legislature
State of Hawai'i

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

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1357</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">TIA/PSM/JDL WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/13/13</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
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Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)		✓		
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood		✓		
GREEN, Josh				X
SLOM, Sam				X
TOTAL	1	2	—	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">Rosalyn H Baker</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution: Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 1357</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">TIA / PSM / JDL, WAM</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">02-13-2013</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
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Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)		✓		
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	2	1		2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes