

Honolulu, Hawaii

APR - 5 2006

RE: H.B. No. 1947
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 1947 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to clarify that any decision of the State, the Department of Transportation, the counties, or any officer, employee, or agent thereof, to select or apply flexible highway design shall not give rise to a cause of action or claim against them.

Your Committee received testimony in support of this measure from the Department of Transportation, the Department of the Corporation Counsel for the City and County of Honolulu, Consumer Lawyers of Hawaii, and an individual.

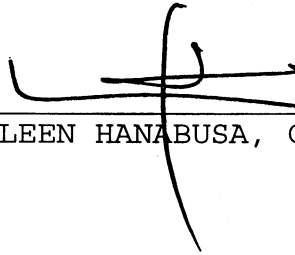
Your Committee finds that this measure enacts statutory amendments that were intended to be included in Act 185, Session Laws of Hawaii 2005 (Act 185), which enacted the original law. Your Committee notes that the Director of Transportation requested an extension of the deadline provided in section 3 of Act 185 from June 30, 2006, to June 30, 2007, for the Director of Transportation to establish flexible highway design guidelines. However, in consideration of the agreement reached among various government officials and communities as to the existing deadline of June 30, 2006, the Chair agreed to a compromise to extend the deadline to December 31, 2006.



Your Committee has amended this measure to insert a section extending the deadline provided in section 3 of Act 185 from June 30, 2006, to December 31, 2006, for the Director of Transportation to establish flexible highway design guidelines. Your Committee also amended this measure to change the effective date from July 1, 2006, to June 1, 2006 to ensure that the deadline, which is set for June 30, 2006, is extended without lapsing.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1947, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1947, S.D. 1.

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



COLLEEN HANABUSA, Chair



