

STAND. COM. REP. NO.

886

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1037
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1037, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL ACTIONS,"

begs leave to report as follows:

The purpose of this bill is to abolish joint and several liability of State and County governments for tort claims relating to the maintenance and design of highways.

The State Attorney General, Department of Transportation, City and County of Honolulu, and County of Hawaii supported this bill. The Hawaii Association for Justice; American Public Works Association - Hawaii Chapter; Gray, Hong, Nojima and Associates, Inc.; Hawaiian Electric Company; Hawaii Electric Light Company; Maui Electric Company; American Council of Engineering Companies of Hawaii; and Fukunaga and Associates, Inc., opposed this measure. The County of Kauai provided comments.

Your Committee has amended this bill by:

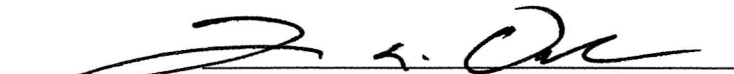
- (1) Adding a savings clause;
- (2) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

HB1037 HD2 HSCR FIN HMS 2009-2569



As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1037, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1037, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



