

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 1357  
S.D. 2

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

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 1357, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to provide protection from liability for government agencies maintaining or repairing a road whose ownership or jurisdiction is subject to dispute between the State and a county.

Specifically, the measure:

- (1) Provides government agencies that maintain or repair a disputed road with immunity from liability for injury or damage sustained from use of the road;
- (2) Provides that government agencies are not to be deemed to have assumed ownership or jurisdiction over disputed roads by virtue of the maintenance or repair activities; and
- (3) Provides counties that accept, by resolution, the dedication of a disputed road with immunity from liability for injury or damage sustained from use of the road for a period of ten years following the county's acceptance of the road.



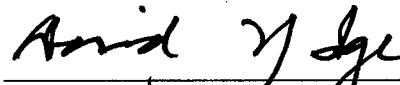
Your Committee finds that this measure will protect state and county agencies from liability for their maintenance or repair of disputed roads, while allowing the agencies to work on resolving ownership issues over the roads.

Your Committee has amended this measure by:

- (1) Changing the reference to "government agency" in the new section established in chapter 662, Hawaii Revised Statutes, relating to state tort liability, to "state agency," which is defined in section 662-1, Hawaii Revised Statutes;
- (2) Moving the provision regarding the liability of counties for dedicated roads from the new section relating to state tort liability to section 46-15.9, Hawaii Revised Statutes, relating to county activities on disputed roads;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion on this measure; and
- (4) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1357, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1357, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* SB 1357, SD1	Committee Referral: TIA / PSM / JDL, WAM	Date: 2-21-13		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	13	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</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