

STAND. COM. REP. NO. 1917 -22

Honolulu, Hawaii

APR 08 , 2022

RE: S.B. No. 2008
S.D. 1
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2008, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that the State and counties shall not be held jointly and severally liable for acts or omissions of the State or county that occurred before the condemnation of a highway or trail; and
- (2) Allow the State and counties to utilize flexibility in highway design for any condemned highway or trail.

Your Committee received testimony in support of this measure from the Department of Transportation, two members of the Honolulu City Council, one member of Maui County Council, Hawaii Association for Justice, and three individuals.

Your Committee finds that relieving the State and counties of liability for condemned highways and trails significantly reduces the risk when condemning private highways and trails that may not have been well maintained. Your Committee also finds that

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providing the State and counties with flexibility in the design of condemned private highways and trails will further facilitate the condemnation, maintenance, and improvement of private highways and trails that are in disrepair.

Your Committee has amended this measure by:

- (1) Amending the liability provision to provide that the State and counties may only be held jointly and severally liable for acts or omissions that occurred after the condemnation of a highway or trail;
- (2) Deleting language that allowed the State and counties to utilize flexibility in highway design for any condemned trail; and
- (3) 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 S.B. No. 2008, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2008, S.D. 1, H.D. 2.

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



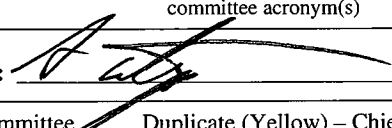
MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 1917-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 2008, SD1, HD1	Committee Referral: TRN, JHA	Date: 3-29-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene	✓			
TOTAL (11)	11	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				