
A BILL FOR AN ACT

RELATING TO FLOODING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a number of roads
2 that are accessible to the public are privately owned. Many of
3 these roads are in older communities, have not been improved in
4 years, and are in dire need of upgrades. During heavy rains and
5 periods of king tides, these roads often flood. The floods
6 result in significant economic damage to surrounding residences
7 and businesses. The legislature also finds that counties are
8 often reluctant to make or provide funding for improvements to
9 these roads, as the counties believe that assuming those
10 responsibilities will result in county liability for accidents
11 or damage that may subsequently occur on those roads.

12 The legislature further notes that these private roads are
13 often heavily used by first responders during emergencies and by
14 school buses for the transportation of students to and from
15 school. Accordingly, it is in the public interest to support
16 the maintenance and upkeep of these private roads.

17 The purpose of this Act is to:



1 (1) Appropriate moneys as grants-in-aid to each county for
2 the mitigation of flood risks on privately-owned
3 roads; and

4 (2) Provide that the appropriation or expenditure of
5 moneys pursuant to this Act shall not be construed to
6 establish a duty of care or grounds for liability for
7 the State or the counties.

8 SECTION 2. In accordance with section 9 of article VII, of
9 the Constitution of the State of Hawaii and sections 37-91 and
10 37-93, Hawaii Revised Statutes, the legislature has determined
11 that the appropriations contained in this Act will cause the
12 state general fund expenditure ceiling for fiscal year 2024-2025
13 to be exceeded by \$, or per cent. The
14 reasons for exceeding the general fund expenditure ceiling are
15 that the appropriations made in this Act are necessary to serve
16 the public interest and to meet the needs provided for by this
17 Act.

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2024-2025 as a
21 grant-in-aid to the city and county of Honolulu for the



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1 mitigation of flood risks on privately owned roads that are open
2 to public traffic on the island of Oahu.

3 The sum appropriated shall be expended by the city and
4 county of Honolulu for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2024-2025 as a
8 grant-in-aid to the county of Hawaii for the mitigation of flood
9 risks on privately owned roads that are open to public traffic
10 on the island of Hawaii.

11 The sum appropriated shall be expended by the county of
12 Hawaii for the purposes of this Act.

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2024-2025 as a
16 grant-in-aid to the county of Maui for the mitigation of flood
17 risks on privately owned roads that are open to public traffic
18 on the islands of Maui, Molokai, and Lanai.

19 The sum appropriated shall be expended by the county of
20 Maui for the purposes of this Act.



1 SECTION 6. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so
 3 much thereof as may be necessary for fiscal year 2024-2025 as a
 4 grant-in-aid to the county of Kauai for the mitigation of flood
 5 risks on privately owned roads that are open to public traffic
 6 on the island of Kauai.

7 The sum appropriated shall be expended by the county of
 8 Kauai for the purposes of this Act.

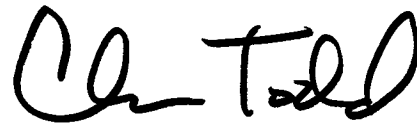
9 SECTION 7. The appropriation or expenditure of moneys
 10 pursuant to this Act shall not be construed to establish a duty
 11 of care or grounds for liability for the State or the counties.

12 SECTION 8. Repairs related to sewage and plumbing on
 13 private roads that are open to public traffic shall be the
 14 responsibility of each respective county and no private property
 15 owner shall be held responsible.

16 SECTION 9. This Act shall take effect on July 1, 2024.

17

INTRODUCED BY:



JAN 16 2024



H.B. NO. 1622

Report Title:

Private Roads; Flood Risk Mitigation; Liability; Appropriations;
General Fund Expenditure Ceiling Exceeded

Description:

Appropriates moneys to each county to mitigate flood risks on privately owned roads. Provides that the appropriation or expenditure of moneys shall not be construed to establish a duty of care or grounds for liability for the State or counties. Declares that the appropriations exceed the state general fund expenditure ceiling for 2024-2025.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

