STAND. COM. REP. NO. 397

Honolulu, Hawaii

FEB 27 , 2025

RE: H.B. No. 860 H.D. 1

Honorable Nadine K. Nakamura Speaker, House of Representatives Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 860, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to provide immunity to the State and counties for injuries sustained due to the repair or maintenance of streets undertaken by the State or a county in cases in which the ownership or jurisdiction of such streets is in dispute between the State and a county.

Your Committee received testimony in support of this measure from the Department of Transportation; one member of the Maui County Council; one member of the Hawai'i County Council; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice and two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that roads with unresolved ownership or jurisdictional dispute often fall into disrepair, creating significant challenges to public safety, infrastructure maintenance, and government accountability. Your Committee further finds that in order to ensure appropriate and necessary maintenance measures can be undertaken, there is a need to clarify

that a State or county performing necessary repairs maintenance on roads with disputed ownership does not convey ownership of these roads to the State or county.

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 H.B. No. 860, H.D. 1, and recommends that it pass Third Reading.

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

Jung Carnas

DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-third Legislature



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

	Committee Referral:	Date:		
	TRNUHA	02/20/2025		
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)				
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2. POEPOE, Mahina (VC)				
3. BELATTI, Della Au	70820NP 84303	Te the second		
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4. COCHRAN, Elle	Company and the company of the compa			
5. HASHEM, Mark J.	and particular to the second			
6. KAHALOA, Kirstin	A STATE OF THE STA		e version i i i i i i i i i i i i i i i i i i	
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7. PERRUSO, Amy A.				- All
8. TAKAYAMA, Gregg		Committee Andrews		
9. TODD, Chris				
10. GARCIA, Diamond				
10. GARCIA, Diamond			1.5200363	
11. SHIMIZU, Garner M.				
	V			
			•	
TOTAL (11)	7	2		<u> </u>
The recommendation is: 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				