

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1166
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred S.B. No. 1166, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

beg leave to report as follows:

The purpose and intent of this measure is to allow persons and insurers to recover damages for losses due to climate disasters and extreme weather attributable to climate change.

Specifically, this measure:

- (1) Establishes specific causes of action for insurers, the Hawaii Property Insurance Association, and certain other persons to seek damages against a responsible party for harms resulting from climate disasters and extreme weather attributable to climate change; and
- (2) Requires insurance rates of the Hawaii Property Insurance Association and private insurers to account for any proceeds obtained from those civil actions or subrogation claims.

Your Committees received written comments in support of this measure from the Sierra Club of Hawai'i, Center for Climate Integrity, and one individual.



Your Committees received written comments in opposition to this measure from the Hawaii Association for Justice and one individual.

Your Committees received written comments on this measure from the Attorney General; Department of Commerce and Consumer Affairs, Insurance Division; and Hawaii Property Insurance Association.

Your Committees find that climate disasters and extreme weather attributable to climate change pose risks to the health, safety, and security of Hawaii's residents and visitors. Your Committees further find that the State has a compelling interest in protecting its citizens from climate disasters and extreme weather attributable to climate change.

Your Committees have amended this measure by:

- (1) Changing, from 1965 to an unspecified year, the year beginning in which, if a responsible party took certain actions within the State, the responsible party would be under the jurisdiction of the State for purposes of the civil causes of action established under this measure;
- (2) Amending the measure's purpose section to conform with the measure's body; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

Your Committees respectfully request that future committees that deliberate on this measure consider the testimony of the Attorney General, which expressed concern that the provisions of this measure that authorize "any person" to seek damages against a responsible party may be found to be beyond the scope of this measure's title.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1166, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1166, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,



KARL RHOADS, Chair

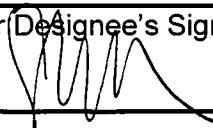


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB1166 SDI</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN, WAM/JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-26-2025</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <i>SB 1166, SD1</i>	Committee Referral: <i>CPN, WAM JDC</i>	Date: <i>2/26/25</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Pass, unamended 2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	<i>4</i>	<i>—</i>	<i>1</i>	<i>—</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

***Only one measure per Record of Votes**