STAND. COM. REP. NO.

Honolulu, Hawaii March 6, 2009

RE: H.B. No. 1037 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1037, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL ACTIONS,"

begs leave to report as follows:

The purpose of this bill is to abolish joint and several liability of State and County governments for tort claims relating to the maintenance and design of highways.

The State Attorney General, Department of Transportation, City and County of Honolulu, and County of Hawaii supported this bill. The Hawaii Association for Justice; American Public Works Association - Hawaii Chapter; Gray, Hong, Nojima and Associates, Inc.; Hawaiian Electric Company; Hawaii Electric Light Company; Maui Electric Company; American Council of Engineering Companies of Hawaii; and Fukunaga and Associates, Inc., opposed this measure. The County of Kauai provided comments.

Your Committee has amended this bill by:

- (1) Adding a savings clause;
- (2) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

HB1037 HD2 HSCR FIN HMS 2009-2569

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As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1037, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1037, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Finance,

MARCUS R. OSHIRO,



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State of Hawaii House of Representatives The Twenty-fifth Legislature

## **Record of Votes of the Committee on Finance**

Bill/Resolution No.: HB1037, HD1 Committee Referral: TRN, JUD, FIN Feb 27, 2009				
<ul> <li>The committee is reconsidering its previous decision on the measure.</li> <li>The recommendation is to:         <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul> </li> </ul>				
1. OSHIRO, Marcus R. (C)	L			
2. LEE, Marilyn B. (VC)				
3. AQUINO, Henry J.C.				
4. AWANA, Karen Leinani				
5. BROWER, Tom				
6. CHOY, Isaac W.				
7. COFFMAN, Denny			n an	
8. HAR, Sharon E.				
9. KEITH-AGARAN, Gilbert S.C.				
10. LEE, Chris	~			
11. NISHIMOTO, Scott Y.				
12. SAGUM, Roland D., III	~			
13. TOKIOKA, James Kunane				
14. WOOLEY, Jessica	$\checkmark$			
15. YAMASHITA, Kyle T.	~			
16. PINE, Kymberly Marcos	<u>~</u>			
17. WARD, Gene				
<b>TOTAL</b> (17)	14	2	Õ	1
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature: Maif 3-Lel				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				