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# 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 are often flooded. The  
6 floods result in significant economic damage to surrounding  
7 residences and businesses. The legislature also finds that the  
8 counties are often reluctant to make or provide funding for  
9 improvements to these roads, as the counties believe that  
10 assuming those responsibilities will result in county liability  
11 for accidents or torts that may subsequently occur on those  
12 roads.

13           The legislature further finds that these private roads are  
14 often heavily used by first responders to respond to emergencies  
15 and by school buses for the transportation of students to and  
16 from school. Accordingly, the legislature finds supporting the



1 maintenance and upkeep of these private roads is in the public  
2 interest.

3 The purpose of this Act is to:

4 (1) Appropriate moneys as grants-in-aid to the several  
5 counties for the mitigation of flood risks on  
6 privately-owned roads; and

7 (2) Provide that the appropriation or expenditure of  
8 moneys pursuant to the Act shall not be construed to  
9 establish a duty of care or grounds for liability for  
10 the State or the several counties.

11 SECTION 2. The appropriation or expenditure of moneys  
12 pursuant to the Act shall not be construed to establish a duty  
13 of care or grounds for liability for the State or the several  
14 counties.

15 SECTION 3. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2023-2024 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2024-2025 as a grant-in-aid for the mitigation of flood  
20 risks on privately-owned roads that are open to public traffic  
21 within the island of Oahu.



1           The sums appropriated shall be expended by the city and  
2 county of Honolulu for the purposes of this Act.

3           SECTION 4. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$                    or so  
5 much thereof as may be necessary for fiscal year 2023-2024 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2024-2025 as a grant-in-aid for the mitigation of flood  
8 risks on privately-owned roads that are open to public traffic  
9 within the island of Hawaii.

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

12           SECTION 5. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$                    or so  
14 much thereof as may be necessary for fiscal year 2023-2024 and  
15 the same sum or so much thereof as may be necessary for fiscal  
16 year 2024-2025 as a grant-in-aid for the mitigation of flood  
17 risks on privately-owned roads that are open to public traffic  
18 within the islands of Maui, Molokai, and Lanai.

19           The sums 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 2023-2024 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2024-2025 as a grant-in-aid for the mitigation of flood  
6 risks on privately-owned roads that are open to public traffic  
7 within the island of Kauai.

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

10 SECTION 7. This Act shall take effect on July 1, 3000.

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**Report Title:**

Private Roads; Flood Risk Mitigation; Liability; Appropriations

**Description:**

Appropriates moneys as grants-in-aid to the several counties for the mitigation of flood risks on privately-owned roads. Provides that the appropriation or expenditure of moneys pursuant to the Act shall not be construed to establish a duty of care or grounds for liability for the State or the several counties. Effective 7/1/3000. (HD1)

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

