
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 purpose of this Act is to:

14 (1) Appropriate moneys to the several counties for the
15 mitigation of flood risks on privately-owned roads;
16 and



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

5 SECTION 2. The appropriation or expenditure of moneys
 6 pursuant to the Act shall not be construed to establish a duty
 7 of care or grounds for liability for the State or the several
 8 counties.

9 SECTION 3. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$ or so much
 11 thereof as may be necessary for fiscal year 2023-2024 and the
 12 same sum or so much thereof as may be necessary for fiscal year
 13 2024-2025 for the mitigation of flood risks on privately-owned
 14 roads that are open to public traffic within the island of Oahu.

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

17 SECTION 4. There is appropriated out of the general
 18 revenues of the State of Hawaii the sum of \$ or so much
 19 thereof as may be necessary for fiscal year 2023-2024 and the
 20 same sum or so much thereof as may be necessary for fiscal year
 21 2024-2025 for the mitigation of flood risks on privately-owned



1 roads that are open to public traffic within the island of
2 Hawaii.

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

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2023-2024 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2024-2025 for the mitigation of flood risks on privately-owned
10 roads that are open to public traffic within the islands of
11 Maui, Molokai, and Lanai.

12 The sums appropriated shall be expended by the county of
13 Maui for the purposes of this Act.

14 SECTION 6. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2023-2024 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2024-2025 for the mitigation of flood risks on privately-owned
19 roads that are open to public traffic within the island of
20 Kauai.



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

3 SECTION 7. This Act shall take effect on July 1, 2023.

4

INTRODUCED BY:



JAN 19 2023



H.B. NO. 315

Report Title:

Private Roads; Flood Risk Mitigation; Liability; Appropriations

Description:

Appropriates moneys 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.

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