

STAND. COM. REP. NO.

473

Honolulu, Hawaii

Feb 15, 2007

RE: H.B. No. 1864
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1864 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY FOR COQUI FROG ERADICATION EFFORTS,"

begs leave to report as follows:

The purpose of this bill is to limit the liability of a government agency or private entity for injuries sustained by volunteers who engage in coqui frog eradication efforts.

Testimony in support of this measure was submitted by the Department of Agriculture, the Department of Land and Natural Resources, the Hakalau Coqui Warriors, the Hele Mauna Street Neighborhood Watch, Coqui Frog Eradication Committee, the Kohala Coqui Coalition, the Beach Road Invasive Coqui Squad, and a representative of the Maui Outdoor Circle and the Kihei Akahi Association of Apartment Owners.

Currently, the law is unclear regarding the liability of government agencies and private entities that engage in coqui frog eradication with the help of unpaid volunteers. Oftentimes, the government limits potential liability to volunteers by requesting a volunteer to complete workers' compensation insurance and liability waivers. But, private entities apparently do not require a volunteer to waive any liability.



This measure will provide uniform and consistent protection to government agencies and private entities and clarifies that the government agency or the private entity will not be held liable for a volunteer's injuries or damages except for gross negligence or wanton acts or omissions.

Your Committee amended this measure by:

- (1) Clarifying the definition of "entity" to include community groups; and
- (2) Making technical, nonsubstantive changes for purposes of clarity, style, and conformity.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1864, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1864, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,

Hermina Morita

HERMINA MORITA, Chair



