STAND. COM. REP. NO. 377 -08

Honolulu, Hawaii

Feb13, 2008

RE: H.B. No. 2350 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 2350 entitled:

"A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY FOR NATURAL CONDITIONS."

begs leave to report as follows:

The purpose of this bill is to codify the common law regarding the liability of landowners for personal injury or property damage caused outside of the land by naturally occurring land failures on the land.

The Department of Land and Natural Resources, Office of Hawaiian Affairs, and Kamehameha Schools testified in support of this bill. The Attorney General, City and County of Honolulu, and Consumer Lawyers of Hawaii opposed this measure.

Your Committee has amended this bill by:

(1) Removing the provision that the standard of negligence applies to public landowners when injury or damage occurs to persons on a public roadway caused by naturally occurring land failures on the land and exempting both private and public landowners from such liability; and

(2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2350, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2350, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs,

KEN ITO Chai



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.: HB 2350	Committee Referral: WLH, JUD	Date	2/6/08	}
☐ The committee is reconsidering its previous	ious decision on the measure.			
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)				
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2. KARAMATSU, Jon Riki (VC)				
3. CARROLL, Mele		/		
4. MAGAOAY, Michael Y.		J		
5. MORITA, Hermina M.		2 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		
5. MORITA, Hermina M.				
6. SAGUM, Roland D., III				
7. SAIKI, Scott K.				-
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8. THIELEN, Cynthia				
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8. THIELEN, Cynthia TOTAL (8)	2	4	2	0
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TOTAL (8) The recommendation is: Adop	eferral,	did not suppo	2_	<i>O</i>