

Honolulu, Hawaii

Feb 14, 2006

RE: H.B. No. 3093

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which  
was referred H.B. No. 3093 entitled:

"A BILL FOR AN ACT RELATING TO STATE LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to indemnify the State from  
liability for injury or damage to property, personal injury, or  
death caused by land or rock slides originating from state lands.  
Specifically, this bill limits state liability to when the State  
knew, or should have known, that a dangerous condition existed.

A concerned individual testified in support of this bill.  
The Department of Transportation supported the intent of the  
measure. Department of Land and Natural Resources (DLNR) and the  
Department of the Attorney General supported the bill with  
amendments. The Consumer Lawyers of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Removing the imposition of state liability in cases  
where the State knew, or should have known, that a  
dangerous condition existed;
- (2) Limiting state liability for property damage, personal  
injury, or death from land and rock slides to those  
circumstances where the State actually knew of a  
dangerous condition making it susceptible to land or

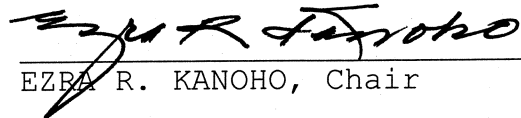


rock slides, but the State failed to warn the affected persons or property owners, even though it had an opportunity to do so; and

- (3) 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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3093, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3093, 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,

  
EZRA R. KANOHO, Chair



