

STAND. COM. REP. NO.

557

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1843  
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 Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 1843 entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect public and private landowners from liability arising from the land failures caused by natural conditions on unimproved lands, by setting forth the conditions for which owners of unimproved lands would be shielded from liability. Specifically, the bill provides that a public or private landowner of unimproved land is not liable for damages from land failures caused by a natural condition. However, this provision does not extend to a landowner who has actual notice of a dangerous condition and a reasonable opportunity to warn others, but did not provide the warning.

The Department of Land and Natural Resources, the Attorney General, Kamehameha Schools, Queen Emma Land Company, Hawaii Insurers Council, Hawaii Association of REALTORS, Land Use Research Foundation of Hawaii, and the Hawaii Forest Industry Association testified in support of this bill. The Consumers Lawyers of Hawaii opposed this measure.

HB1843 HD1 HSCR WLH HMS 2007-1858



Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2050, to encourage further discussion; 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. 1843, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1843, 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,



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KEN ITO, Chair



