

STAND. COM. REP. NO. 377-08

Honolulu, Hawaii

Feb 13, 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, Chair



