

STAND. COM. REP. NO. 268 -08

Honolulu, Hawaii

Feb 8, 2008

RE: H.B. No. 2823  
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. 2823 entitled:

"A BILL FOR AN ACT RELATING TO DAM SAFETY,"

begs leave to report as follows:

The purpose of this bill is to limit the liability of owners, controllers, and operators of dams or reservoirs for personal injury or property damage from:

- (1) Water escaping from the dam or reservoir;
- (2) The failure or partial failure of the dam or reservoir, unless caused by the owner; and
- (3) Allowing the inflow to the dam or reservoir to pass through it and into a natural stream below the reservoir.

This bill also provides insurance requirements for dam and reservoir owners.

Kamehameha Schools testified in support of this bill. The Maui County Farm Bureau supported this measure with amendments. The Department of Land and Natural Resources and Consumer Lawyers of Hawaii opposed this bill. The Hawaii Farm Bureau Federation provided comments.

HB2823 HD1 HSCR WLH HMS 2008-1755

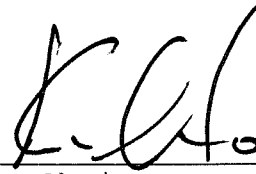


Your Committee has amended this bill by:

- (1) Extending the application of the limitation of liability to the transmission systems and irrigation systems associated with the dam or reservoir; 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. 2823, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2823, 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



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 268-08

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

| <b>Bill/Resolution No.:</b><br>HB 2823                                                                                                                                                                                                                                                   | <b>Committee Referral:</b><br>WLH, JUD, FIN | <b>Date:</b><br>2-4-08 |      |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|------------------------|------|-------------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure.                                                                                                                                                                                            |                                             |                        |      |             |
| <b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |                                             |                        |      |             |
| WLH Members                                                                                                                                                                                                                                                                              | Ayes                                        | Ayes (WR)              | Nays | Excused     |
| 1. ITO, Ken (C)                                                                                                                                                                                                                                                                          | /                                           |                        |      |             |
| 2. KARAMATSU, Jon Riki (VC)                                                                                                                                                                                                                                                              | /                                           |                        |      |             |
| 3. CARROLL, Mele                                                                                                                                                                                                                                                                         | /                                           |                        |      |             |
| 4. MAGAOAY, Michael Y.                                                                                                                                                                                                                                                                   | /                                           |                        |      |             |
| 5. MORITA, Hermina M.                                                                                                                                                                                                                                                                    |                                             |                        | /    |             |
| 6. SAGUM, Roland D., III                                                                                                                                                                                                                                                                 | /                                           |                        |      |             |
| 7. SAIKI, Scott K.                                                                                                                                                                                                                                                                       |                                             |                        | /    | / <i>JK</i> |
| 8. THIELEN, Cynthia                                                                                                                                                                                                                                                                      |                                             |                        |      | /           |
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| <b>TOTAL (8)</b>                                                                                                                                                                                                                                                                         | 5                                           | 0                      | 2    | 1           |
| <b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><span style="margin-left: 150px;">committee acronym(s)</span>                                              |                                             |                        |      |             |
| <b>Vice Chair's or designee's signature:</b> _____ <i>JK</i>                                                                                                                                                                                                                             |                                             |                        |      |             |
| <b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office                                                                                                                                                                                           |                                             |                        |      |             |