

STAND. COM. REP. NO. 1020 -08

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 2823
H.D. 2

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 2823, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this bill is to ensure the continued operation and maintenance of water systems for agricultural and other uses by limiting the liability of owners 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:

- (1) Insurance requirements for dam and reservoir owners;
- (2) That owners and operators whose negligence has proximately caused personal injury or property damage resulting from water escaping from the dam or reservoir, or from allowing the inflow to the dam or reservoir to

HB2823 HD2 HSCR FIN HMS 2008-2464



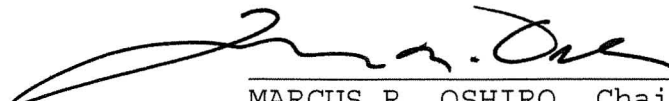
pass through it and into a natural stream below the reservoir, shall not be exempt from liability; and

- (3) Limitations on liability shall not apply to instances of gross negligence; intentional, willful, or wanton acts; or conduct in reckless disregard of public safety.

Kamehameha Schools, Dole Food Company Hawaii, and the Hawaii Farm Bureau Federation testified in support of this bill. The Department of Land and Natural Resources and Office of Hawaiian Affairs testified in opposition to this measure. The Consumer Lawyers of Hawaii commented on this bill.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2823, H.D. 2, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



