

STAND. COM. REP. NO.

2273

Honolulu, Hawaii

FEB 13 2008

RE: S.B. No. 2065
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2065
entitled:

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

begs leave to report as follows:

The purpose of this measure is to encourage the retention of
natural lands by providing certainty in Hawaii law for natural
conditions that exist on unaltered lands.

Specifically, this measure insulates private landowners from
liability from any damages as a result of the natural condition of
their lands while allowing the limited, reasonable use of their
natural lands without losing this protection.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources and Kamehameha
Schools. Your Committee received testimony in opposition to this
measure from the Department of the Attorney General, the City and
County of Honolulu, and Consumer Lawyers of Hawaii.

Your Committee finds that this measure allows landowners
reasonable use of their land without increasing the risk of
liability. Your Committee further finds that governmental
entities should be afforded the same protections as private
landowners.

Therefore, your Committee has amended this measure by:

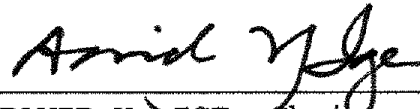
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- (1) Combining the classes of landowners and making the protection from liability identical; and
- (2) Inserting an effective date of July 1, 2050, for the purpose of further discussions.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2065, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2065, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



DAVID Y. IGE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 2065	Committee Referral: HTH, JDL	Date: 02-06-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron	✓			
WHALEN, Paul	✓			
TOTAL	5			0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">David Y. Ige</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes