

STAND. COM. REP. NO. 213

Honolulu, Hawaii  
Feb 12, 2009

RE: H.B. No. 951

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 951 entitled:

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

begs leave to report as follows:

The purpose of this bill is to codify the current common law in Hawaii with respect to a landowner's legal duties and obligations pertaining to damages and injuries caused by natural conditions to property and persons outside the land. Specifically, this bill limits the liability of landowners of unimproved lands for damage, injury, or harm to persons or property outside of the boundaries of the landowner's land caused by any naturally occurring land failure originating on the unimproved land, notwithstanding minor alterations to the land such as:

- (1) Installation or maintenance of utility poles, signage, fences, trails, and pathways;
- (2) Maintenance activities such as forest plantings, weed, brush, rock, boulder, and tree removal; and
- (3) Removal or securing of rocks or boulders to reduce risk to downslope properties.

The Attorney General, City and County of Honolulu, County of Hawaii, Kamehameha Schools, and Land Use Research Foundation of Hawaii testified in support of this bill. The Hawaii Association for Justice and a concerned individual opposed this measure. The Department of Land and Natural Resources provided comments.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 951 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,



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KEN ITO, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

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

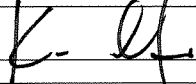
Bill/Resolution No.: HB 951	Committee Referral: WLO, JUD	Date: Feb. <del>22</del> <sup>06</sup> , 2009
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)     Pass, with amendments (HD)     Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.				✓
8. LEE, Chris	✓			
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.		✓		
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.		✓		
13. THIELEN, Cynthia			✓	
<b>TOTAL (13)</b>	<b>9</b>	<b>2</b>	<b>1</b>	<b>1</b>

The recommendation is:  Adopted     Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature: 

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