

JAN 19 2012

A BILL FOR AN ACT

RELATING TO FOOD BEARING TREES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Limitation on liability. A county shall not be
5 liable for any injury to any person arising from the person's
6 harvesting from food bearing trees planted pursuant to section
7 344-4, on lands owned or controlled by the county, unless the
8 injury results from gross negligence on the part of the county."

9 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§171- Limitation on liability. The State shall not be
13 liable for any injury to any person arising from the person's
14 harvesting from food bearing trees planted pursuant to section
15 344-4, on lands owned or controlled by the State, unless the
16 injury results from gross negligence on the part of the State."

17 SECTION 3. Section 344-4, Hawaii Revised Statutes, is
18 amended to read as follows:



1 "§344-4 Guidelines. In pursuance of the state policy to
2 conserve the natural resources and enhance the quality of life,
3 all agencies, in the development of programs, shall, insofar as
4 practicable, consider the following guidelines:

5 (1) Population.

6 (A) Recognize population impact as a major factor in
7 environmental degradation and adopt guidelines to
8 alleviate this impact and minimize future
9 degradation;

10 (B) Recognize optimum population levels for counties
11 and districts within the State, keeping in mind
12 that these will change with technology and
13 circumstance, and adopt guidelines to limit
14 population to the levels determined.

15 (2) Land, water, mineral, visual, air, and other natural
16 resources.

17 (A) Encourage management practices which conserve and
18 fully utilize all natural resources;

19 (B) Promote irrigation and waste water management
20 practices which conserve and fully utilize vital
21 water resources;

22 (C) Promote the recycling of waste water;



1 (D) Encourage management practices which conserve and
2 protect watersheds and water sources, forest, and
3 open space areas;

4 (E) Establish and maintain natural area preserves,
5 wildlife preserves, forest reserves, marine
6 preserves, and unique ecological preserves;

7 (F) Maintain an integrated system of state land use
8 planning which coordinates the state and county
9 general plans;

10 (G) Promote the optimal use of solid wastes through
11 programs of waste prevention, energy resource
12 recovery, and recycling so that all our wastes
13 become utilized.

14 (3) Flora and fauna.

15 (A) Protect endangered species of indigenous plants
16 and animals and introduce new plants or animals
17 only upon assurance of negligible ecological
18 hazard;

19 (B) Foster the planting of native as well as other
20 trees, food bearing trees, shrubs, and flowering
21 plants compatible to the enhancement of our
22 environment.



- 1 (4) Parks, recreation, and open space.
- 2 (A) Establish, preserve and maintain scenic,
- 3 historic, cultural, park and recreation areas,
- 4 including the shorelines, for public
- 5 recreational, educational, and scientific uses;
- 6 (B) Protect the shorelines of the State from
- 7 encroachment of artificial improvements,
- 8 structures, and activities;
- 9 (C) Promote open space in view of its natural beauty
- 10 not only as a natural resource but as an
- 11 ennobling, living environment for its people.
- 12 (5) Economic development.
- 13 (A) Encourage industries in Hawaii which would be in
- 14 harmony with our environment;
- 15 (B) Promote and foster the agricultural industry of
- 16 the State; and preserve and conserve productive
- 17 agricultural lands;
- 18 (C) Encourage federal activities in Hawaii to protect
- 19 the environment;
- 20 (D) Encourage all industries including the fishing,
- 21 aquaculture, oceanography, recreation, and forest
- 22 products industries to protect the environment;



1 (E) Establish visitor destination areas with planning
2 controls which shall include but not be limited
3 to the number of rooms;

4 (F) Promote and foster the aquaculture industry of
5 the State; and preserve and conserve productive
6 aquacultural lands.

7 (6) Transportation.

8 (A) Encourage transportation systems in harmony with
9 the lifestyle of the people and environment of
10 the State;

11 (B) Adopt guidelines to alleviate environmental
12 degradation caused by motor vehicles;

13 (C) Encourage public and private vehicles and
14 transportation systems to conserve energy, reduce
15 pollution emission, including noise, and provide
16 safe and convenient accommodations for their
17 users.

18 (7) Energy.

19 (A) Encourage the efficient use of energy resources.

20 (8) Community life and housing.

21 (A) Foster lifestyles compatible with the
22 environment; preserve the variety of lifestyles



1 traditional to Hawaii through the design and
2 maintenance of neighborhoods which reflect the
3 culture and mores of the community;

4 (B) Develop communities which provide a sense of
5 identity and social satisfaction in harmony with
6 the environment and provide internal
7 opportunities for shopping, employment,
8 education, and recreation;

9 (C) Encourage the reduction of environmental
10 pollution which may degrade a community;

11 (D) Foster safe, sanitary, and decent homes;

12 (E) Recognize community appearances as major economic
13 and aesthetic assets of the counties and the
14 State; encourage green belts, plantings, and
15 landscape plans and designs in urban areas; and
16 preserve and promote mountain-to-ocean vistas.

17 (9) Education and culture.

18 (A) Foster culture and the arts and promote their
19 linkage to the enhancement of the environment;

20 (B) Encourage both formal and informal environmental
21 education to all age groups.

22 (10) Citizen participation.



- 1 (A) Encourage all individuals in the State to adopt a
- 2 moral ethic to respect the natural environment;
- 3 to reduce waste and excessive consumption; and to
- 4 fulfill the responsibility as trustees of the
- 5 environment for the present and succeeding
- 6 generations; and
- 7 (B) Provide for expanding citizen participation in
- 8 the decision making process so it continually
- 9 embraces more citizens and more issues."

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 2125

Report Title:

Food Bearing Trees; Limitation on Liability

Description:

Encourages government agencies to plant food bearing trees to conserve natural resources and enhance quality of life; establishes a limitation on liability for any injury to any person arising from the person's harvesting from food bearing trees on lands owned or controlled by the State or a county.

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