Honolulu, Hawaii

Feb14, 2006

RE: H.B. No. 3093 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 3093 entitled:

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

begs leave to report as follows:

The purpose of this bill is to indemnify the State from liability for injury or damage to property, personal injury, or death caused by land or rock slides originating from state lands. Specifically, this bill limits state liability to when the State knew, or should have known, that a dangerous condition existed.

A concerned individual testified in support of this bill. The Department of Transportation supported the intent of the measure. Department of Land and Natural Resources (DLNR) and the Department of the Attorney General supported the bill with amendments. The Consumer Lawyers of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Removing the imposition of state liability in cases where the State knew, or should have known, that a dangerous condition existed;
- (2) Limiting state liability for property damage, personal injury, or death from land and rock slides to those circumstances where the State actually knew of a dangerous condition making it susceptible to land or

rock slides, but the State failed to warn the affected persons or property owners, even though it had an opportunity to do so; and

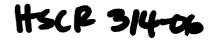
(3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3093, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3093, 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,

EZRA R. KANOHO, Chair

State of Hawaii House of Representatives The Twenty-third Legislature



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

Bill/Resolution No.:	093	Date: 2/	10/06			
Committee Referral: WLO, JUD		☐ The com	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended		Pa	Pass, with amendments			
	☐ Hold	☐ Re	commit			
WLO Members		Ayes	Ayes (WR)	Nays	Excused	
1. KANOHO, Ezra R. (C)	V				
2. SCHATZ, Brian (VC)						
3. BERG, Lyla B., Ph.D.					V	
4. CARROLL, Mele					V	
5. EVANS, Cindy		$\overline{}$				
6. HARBIN, Bev		<u> </u>				
7. MORITA, Hermina M		V				
8. WATERS, Tommy				/		
9. MEYER, Colleen Rose	9	/				
10. THIELEN, Cynthia		_				
TOTAL		6		2	2	
The recommendation is:	Adopted Not Adopted If joint referral,		did not suppose	t recommendation		
committee acronym(s)						
Vice Chair or designee's sign	ñature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						