STAND. COM. REP. NO. **433** -08

Honolulu, Hawaii

Fc 414, 2008

RE: H.B. No. 2358

H.D. 1

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

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 2358 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to encourage and support agriculture by providing that an owner of an irrigation system does not owe a duty of care to a trespasser who enters land containing or bordering the irrigation system.

The Department of Agriculture and Agribusiness Development Corporation testified in support of this bill. The Consumer Lawyers of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Amending the definition of "irrigation systems" to include the access trails used to access the agricultural water distribution system; and
- (2) 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 & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2358, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2358, 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 & Hawaiian Affairs,

KEN ITO. Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature

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

Bill/Resolution No.: HB 2358	Committee Referral: WLH, JUD	Date	= 2/6/6	8
☐ 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)				
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)			A limit in the second	
2. KARAMATSU, Jon Riki (VC)				
3. CARROLL, Mele				
4. MAGAOAY, Michael Y.			The second secon	
4. MAGAGAT, Michael T.				
5. MORITA, Hermina M.				
6. SAGUM, Roland D., III				
6. SAGUM, Roland D., III				
7. SAIKI, Scott K.			5	
9 THIELEN Cumthin			VA 22 32 - 7	
8. THIELEN, Cynthia	V			
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TOTAL (8)	4	2	2	0
The recommendation is: Adopted If joint referral, committee acronym(s) Adopted did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				