STAND. COM. REP. NO. /020 -08

Honolulu, Hawaii

Febz9, 2008

RE: H.B. No. 2823 H.D. 2

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

## Sir:

Your Committee on Finance, to which was referred H.B. No. 2823, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DAM SAFETY,"

begs leave to report as follows:

The purpose of this bill is to ensure the continued operation and maintenance of water systems for agricultural and other uses by limiting the liability of owners and operators of dams or reservoirs for personal injury or property damage from:

- (1) Water escaping from the dam or reservoir;
- (2) The failure or partial failure of the dam or reservoir, unless caused by the owner; and
- (3) Allowing the inflow to the dam or reservoir to pass through it and into a natural stream below the reservoir.

This bill also provides:

- Insurance requirements for dam and reservoir owners;
- (2) That owners and operators whose negligence has proximately caused personal injury or property damage resulting from water escaping from the dam or reservoir, or from allowing the inflow to the dam or reservoir to

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pass through it and into a natural stream below the reservoir, shall not be exempt from liability; and

(3) Limitations on liability shall not apply to instances of gross negligence; intentional, willful, or wanton acts; or conduct in reckless disregard of public safety.

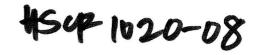
Kamehameha Schools, Dole Food Company Hawaii, and the Hawaii Farm Bureau Federation testified in support of this bill. The Department of Land and Natural Resources and Office of Hawaiian Affairs testified in opposition to this measure. The Consumer Lawyers of Hawaii commented on this bill.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2823, H.D. 2, and recommends that it pass Third Reading.

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

MARCUS R. OSHIRO, Chair

## State of Hawaii House of Representatives The Twenty-fourth Legislature



## **Record of Votes of the Committee on Finance**

HB 2823	Committee Referral:	Date	: 2 -22 - 2(	208
☐ 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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	V			
2. LEE, Marilyn B. (VC)				
3. AWANA, Karen Leinani				
4. BELATTI, Della Au				
5. BROWER, Tom		$\perp r \perp$		
6. CARROLL, Mele				
7. HANOHANO, Faye P.				
8. HAR, Sharon E.				
9. KARAMATSU, Jon Riki				
10. MAGAOAY, Michael Y.	· · ·			
11. MANAHAN, Joey				
12. MIZUNO, John				
13. NAKASONE, Bob	The second secon			
14. RHOADS, Karl				
15. SAGUM, Roland D., III				
16. TOKIOKA, James Kunane			- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
17. MEYER, Colleen Rose		V		
18. PINE, Kymberly Marcos				
19. WARD, Gene, Ph.D.		l V		
TOTAL (19)	11	(0	0	2
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature: Marily B. Lel				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				