STAND. COM. REP. NO. 3141

Honolulu, Hawaii

APR 0.3 2012

RE: H.B. No. 2686

H.D. 1 S.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2686, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to exempt the owner of private property from civil liability for any injury or damage suffered by a person resulting from the owner providing access to land, shelter, or subsistence in good faith, unless the injury or damage was caused by the gross negligence or intentional or wanton acts or omissions by the owner.

The Hawaii Association for Justice submitted comments.

Your Committee finds that this measure ensures that residents and visitors are provided safe places to seek evacuation during a disaster, especially in the event that evacuation shelters are full. Allowing organizations and private property owners to provide shelter and subsistence without fear of liability greatly increases the safety of individuals.

Your Committee has amended this measure by:

(1) Adopting the amendments suggested by the Hawaii Association for Justice to:

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- (A) Clarify the title of the new section added to chapter 663, Hawaii Revised Statutes;
- (B) Replace references to "disaster" with references to "natural disaster"; and
- (C) Add a definition for "emergency"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2686, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2686, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLAYTON HEE, Chair

The Senate Twenty-Sixth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee Referral: Date: 3/3//2				
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	V			
SHIMABUKURO, Maile (VC)	V			
GABBARD, Mike				
IHARA, Jr., Les				
SLOM, Sam				
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TOTAL	5			
Recommendation: Adopted Not Adopted				
Chair's or Designee's Signature:				
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^{*}Only one measure per Record of Votes