

Honolulu, Hawaii

March 16, 2006

RE: S.B. No. 2412
S.D. 1
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 S.B. No. 2412, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to provide liability protection for public entities and county lifeguard services by:

- (1) Making permanent, statutory language that establishes conclusive presumptions regarding the duty of public entities to warn beachgoers of dangers at public beach parks; and
- (2) Extending the exception to liability for county lifeguard services for an additional two years.

The Department of Land and Natural Resources, Department of the Attorney General, Mayor of the County of Hawaii, a member of the Maui County Council, Chairperson of the Kauai County Council, Department of the Corporation Counsel of the City and County of Honolulu, Hawaii State Association of Counties, Hawaiian Lifeguard Association, and Honolulu Emergency Services Department testified in support of this bill. The Consumer Lawyers of Hawaii submitted comments.

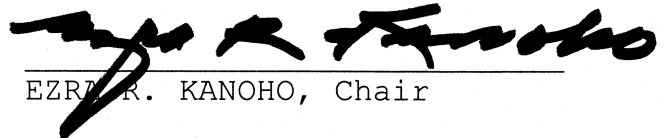


Your Committee has amended this measure by:

- (1) Changing the effective date of Section 7 of Act 190, from July 1, 1996, to upon approval;
- (2) Repealing the sunset provision on the exception to liability for county lifeguard services; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 2412, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2412, S.D. 1, 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



