

STAND. COM. REP. NO.

555

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 38

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 38 entitled:

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

begs leave to report as follows:

The purpose of this bill is to continue the balance between safety of residents and visitors and government liability, by repealing the sunset dates of several laws that limit the liability of the state and county governments relating to public use of certain public lands, public beach parks, and the acts of lifeguards.

The Department of Land and Natural Resources, the Attorney General, Hawaii Tourism Authority, State Fire Council, Department of Corporation Counsel of the City and County of Honolulu, Mayor of the City and County of Honolulu, Honolulu Emergency Services Department of the City and County of Honolulu, Honolulu Fire Department, Mayor of the County of Hawaii, Kauai Fire Department, President and Treasurer of the Hawaii State Association of Counties testified in support of this bill. The Department of Parks and Recreation of the County of Hawaii, Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, and the Hawaii Lifeguard Association supported the intent of this measure. The Hawaii Consumer Lawyers of Hawaii opposed this bill.

HB38 HD1 HSCR WLH HMS 2007-1857

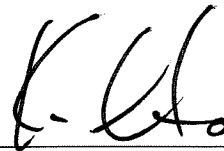


Your Committee has amended this bill by:

- (1) Deleting the section of the bill that would have repealed the sunset date of Act 82, Session Laws of Hawaii 2003, which provides that a sign on public lands warning of dangerous natural conditions on improved public lands is legally sufficient to fulfill the State's or county's duty to warn of natural dangers;
- (2) Changing the effective date to July 1, 2050, to encourage further discussion; 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 & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 38, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 38, 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



