

STAND. COM. REP. NO.

1134

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 38  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 38, H.D. 1, 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 make permanent certain protections from liability provided to state and county governments relating to:

- (1) Public use of public beach parks; and
- (2) Acts or omissions of lifeguards while providing lifeguard services within the scope of their employment.

The Attorney General, Department of Land and Natural Resources, Mayor of Kauai County, Office of Economic Development of the County of Kauai, Kauai County Council, Maui County Council, City Council of the City and County of Honolulu, Hawaii County Council, Mayor of Hawaii County, Hawaii State Association of Counties, Kauai County Fire Department, Kauai Visitors Bureau, State Fire Council, Honolulu Fire Department, Hawaiian Lifeguard Association, Hawaii Government Employees Association, Hui Ho'omalu I Ka' Aina, Kauai Chamber of Commerce, Kauai Lifeguard Association, Sheraton Kauai Resort, and several concerned individuals supported this bill. The Department of the Corporation of the City and County of Honolulu and the Honolulu

HB38 HD2 HSCR JUD HMS 2007-2878



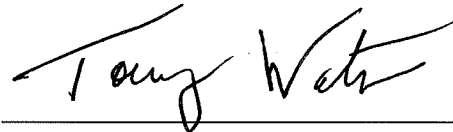
Emergency Services Department supported the intent of this measure.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 38, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 38, H.D. 2.

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



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TOMMY WATERS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HSCR 1134

**Record of Votes of the Committee on Judiciary**

| <b>Bill/Resolution No.:</b><br>HB 38 HD1 (HSCR 555)  |      | <b>Date:</b><br>2/27/07   |      |         |
|--|------|---|------|---------|
| <b>Committee Referral:</b><br>JUD  |      | <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. |      |         |
| <b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration      |      |   |      |         |
| JUD Members  | Ayes | Ayes (WR)   | Nays | Excused |
| 1. WATERS, Tommy (C)   | ✓    |   |      |         |
| 2. OSHIRO, Blake K. (VC)   | ✓    |   |      |         |
| 3. CALDWELL, Kirk  | ✓    |   |      |         |
| 4. EVANS, Cindy  | ✓    |   |      |         |
| 5. GREEN, Josh, M.D.   | ✓    |   |      |         |
| 6. ITO, Ken  | ✓    |   |      |         |
| 7. LUKE, Sylvia  | ✓    |   |      |         |
| 8. McKELVEY, Angus L.K.  | ✓    |   |      |         |
| 9. MORITA, Hermina M.  | ✓    |   |      |         |
| 10. SONSON, Alex M.  | ✓    |   |      |         |
| 11. SOUKI, Joseph M.   | ✓    |   |      |         |
| 12. TSUJI, Clift   | ✓    |   |      |         |
| 13. YAMANE, Ryan I.  | ✓    |   |      |         |
| 14. YAMASHITA, Kyle T.   | ✓    |   |      |         |
| 15. MARUMOTO, Barbara C.   | ✓    |   |      |         |
| 16. PINE, Kymberly Marcos  |      |   |      | ✓       |
| 17. THIELEN, Cynthia   |      |   |      | ✓       |
|  |      |   |      |         |
|  |      |   |      |         |
| <b>TOTAL</b>   | 15   |   |      | 2       |
| <b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted<br><input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><div style="text-align: center; margin-left: 100px;">committee acronym(s)</div> |      |   |      |         |
| <b>Vice Chair's or designee's signature:</b><br><div style="text-align: center; margin-top: 10px;"> </div>   |      |   |      |         |
| <b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – HMSO      Duplicate (Pink) – Clerk's Office  |      |   |      |         |