

STAND. COM. REP. NO.

1446

Honolulu, Hawaii

March 23, 2007

RE: S.B. No. 1603
S.D. 2
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 S.B. No. 1603, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to continue to strike a balance between protecting the safety of residents and visitors at public beach parks and government liability by extending the automatic repeal dates of Act 190, Session Laws of Hawaii (SLH) 1996, Act 170, SLH 2002, and Act 82, SLH 2003, that provide state and county governments with liability protection for:

- (1) Public use of certain state or county beach parks; and
- (2) The acts or omissions of lifeguards while providing lifeguard services within the scope of their employment.

This bill also creates a task force to examine the effectiveness of, collect sufficient data relating to, and provide the Legislature information on Act 190, Act 170, and Act 82.

In addition, this bill extends the statute of limitations for actions against a county for damage or injury from six months to two years.

SB1603 HD1 HSCR WLH HMS 2007-3245



The State Fire Council, Honolulu Fire Department, Hawaii Fire Department, Consumer Lawyers of Hawaii, a member of the Maui County Council, and a concerned individual testified in support of this bill. The Hawaiian Lifeguard Association supported the intent of this measure. The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supported this bill with amendments. The Department of the Attorney General, Department of the Corporation Counsel of the City and County of Honolulu, and Honolulu Emergency Services Department opposed this measure. The Department of Land and Natural Resources, Mayor of the County of Hawaii, Department of Parks and Recreation of the County of Hawaii, Office of the County Attorney of the County of Kauai, Department of the Corporation Counsel of the County of Maui, Office of Hawaiian Affairs, and the Kauai Fire Department provided comments.

Upon careful consideration, your Committee has amended this bill by substituting the language in the Senate draft with language from H.B. No. 38, H.D. 2. Specifically, this bill has been amended by:

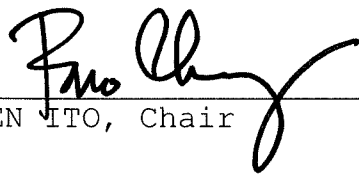
- (1) Making permanent, instead of extending the sunset dates of Act 190 and Act 170;
- (2) Deleting the section of the bill that would have extended the sunset date of Act 82, which provides that a sign on public lands warning of dangerous natural conditions to fulfill the State's or county's duty to warn of natural dangers;
- (3) Deleting the section of the bill that would have extended the statute of limitations for actions against a county for damage or injury from six months to two years; and
- (4) Changing the effective date to take effect upon its approval.

Your Committee finds that the data sought by the task force will be difficult to collect and may be inaccurate. Therefore, your Committee has also deleted the language creating a task force.



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 S.B. No. 1603, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1603, S.D. 2, 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,

for: 
KEN ITO, Chair



