

Honolulu, Hawaii

April 26, 2007

RE: S.B. No. 1603
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1603, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to reduce the exposure of state and county governments to liability and keep public beach parks with potentially dangerous conditions open to the public by:

- (1) Repealing the sunset dates of Act 190, Session Laws of Hawaii 1996 (Act 190), and Act 170, Session Laws of Hawaii 2002 (Act 170); thus making these provisions permanent laws;
- (2) Extending the sunset date of Act 82, Session Laws of Hawaii 2003 (Act 82), to June 30, 2010; and



- (3) Indemnifying county agencies when a state agency uses county facilities or avails itself of county aid or support.

Your Committee on Conference finds that Act 190 established a process to develop legally adequate warnings at public beach parks. Act 170 provides liability protection for lifeguard services on the beach and in the ocean. Act 82 established a risk assessment group to review warning sign design and placement and to protect the State and counties from liability arising from recreational activities on public lands.

Your Committee on Conference has amended this measure by:

- (1) Amending and extending the sunset date of Act 170, Session Laws of Hawaii 2002, from June 30, 2007, to June 30, 2010;
- (2) Amending and extending the sunset date of Act 82, Session Laws of Hawaii 2003, from June 30, 2008, to June 30, 2010;
- (3) Creating a task force within the Department of the Attorney General to:
 - (A) Collect data on and examine the effectiveness of providing lifeguards conditional liability protection for lifeguard services at State beach parks;
 - (B) Collect data on and examine the effectiveness and adequacy of warning signs at public beach parks, and protecting the State and counties from unlimited liability with regard to activities in the ocean and at public beaches;
 - (C) Collect data on and examine the effectiveness and adequacy of warning signs at public recreational lands, and protecting the State and counties from unlimited liability arising out of recreational activities on public lands; and
 - (D) Submit a written report of its findings and recommendations, including any proposed legislation, to the Legislature prior to the 2008 Regular Session; and
- (4) Amending section 46-72, Hawaii Revised Statutes, to conform the statutes of limitations for injuries or



damages involving counties with the limitations applicable generally to the State and private citizens; and

- (5) Making technical and nonsubstantive amendments for the purposes of style and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1603, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1603, S.D. 2, H.D. 2, C.D. 1.

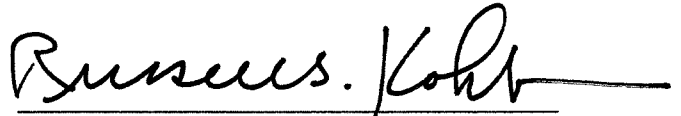
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

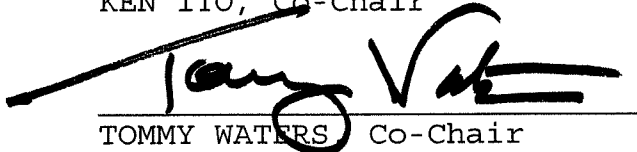
ON THE PART OF THE SENATE



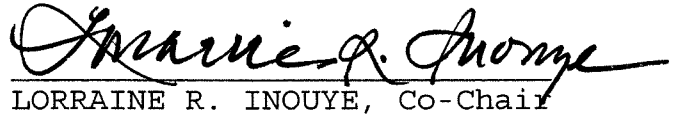
KEN ITO, Co-Chair



RUSSELL S. KOKUBUN, Chair



TOMMY WATERS, Co-Chair



LORRAINE R. INOUYE, Co-Chair



CLAYTON HEE, Co-Chair



