

STAND. COM. REP. NO.

979

Honolulu, Hawaii

MAR 02 2007

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

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

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1603, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to extend to June 30, 2010 the  
automatic repeal dates of Act 190, Session Laws of Hawaii (SLH)  
1996, Relating to Public Land Liability, Act 170, SLH 2002,  
Relating to State and County Tort Liability, and Act 82, SLH 2003,  
Relating to Public Land Liability.

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.

This measure also creates a task force to collect data and  
examine the effectiveness of Act 190, Act 170, and Act 82.

Your Committee received testimony in support of this measure  
from the Office of Hawaiian Affairs and the Consumer Lawyers of  
Hawaii. The Attorney General, the Department of Land and Natural  
Resources, the Department of Labor and Industrial Relations State  
Fire Council, the Honolulu Fire Department, the County of Hawaii,  
the County of Kauai Fire Department, and a member of the County  
Council of the County of Maui testified in support of the measure

SB1603 SD2 SSCR JDL.doc



with suggested amendments. The County of Hawaii, The County of Hawaii State Lifeguard Association supported the intent of the measure and suggested amendments. Proposed amendments generally related to whether the sunset provisions should be extended or repealed, and whether the task force should or should not be created.

Your Committee finds it to be in the best interest of the public to continue to provide state and county governments with protection from liability in cases involving public lands, including beach parks and other recreational areas.

Your Committee finds it appropriate to include in this measure S.B. No. 1641 (2007), a Bill for an Act Relating to Counties, another bill that involves government liability that your Committee heard on the same date. S.B. No. 1641 extends the statute of limitations for actions against a county for damage or injury from six months to two years.

Accordingly, your Committee has amended this measure by:

- (1) Retaining the substantive provisions of S.B. No. 1063 S.D. 1 as Part I;
- (2) Adding the substantive provisions of S.B. No. 1641 as a new Part II;
- (3) Including provisions that apply to Parts I and II in a new Part III;
- (4) Making technical, nonsubstantive revisions for clarity and style; and
- (5) Changing the effective date to June 29, 2059, to encourage further discussion.

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



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor;



---

CLAYTON HEE, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SD1 SB 1603</b>	Committee Referral: <b>WAH/IGM, JDL</b>	Date: <b>2/28/07</b>
--	---	----------------------

The committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
 Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUE, Lorraine R.	/			
NISHIHARA, Clarence K.	/			
GABBARD, Mike	/			
<b>TOTAL</b>	<b>5</b>			

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  
*Russell S. Kohl*

Distribution:     Original     Yellow     Pink  
File with Committee Report     Clerk's Office     Drafting Agency

\*Only one measure per Record of Votes