

STAND. COM. REP. NO. **2338**

Honolulu, Hawaii

FEB 14 2008

RE: S.B. No. 2170

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Intergovernmental and Military Affairs, to which was referred S.B. No. 2170 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LAND,"

begs leave to report as follows:

The purpose of this measure is to protect public beach parks from being the subject of liability for dangerous naturally occurring conditions of the land.

Your Committee received testimony in support of this measure from the Honolulu Corporation Counsel, Hawai'i County Council, and Hawaii State Association of Counties. Testimony in opposition was received from the Consumer Lawyers of Hawaii.

Act 82, Session Laws of Hawaii 2003, relating to public land liability, established that a sign of warning of dangerous natural conditions on improved public lands shall be conclusively presumed to be a legally adequate warning of the dangerous natural conditions of which the sign warns, if the State and counties post such warning signs and the design and placement of the warning sign are approved by the Board of Land and Natural Resources. However, Act 82 specifically excluded public beach parks from the purview of protection.

Your Committee finds that dangerous natural conditions exist in public beach parks as well as on inland parks. Some beach parks abut mountain cliffs that pose a potential for falling boulders. The intent of this measure is to extend to public beach parks the same protections with regard to dangerous natural

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conditions as apply to other improved public lands of the state park system and county park system. Your Committee believes that there is no rational distinction between public beach parks and public parks insofar as responsibility for dangerous natural conditions is concerned.

As affirmed by the record of votes of the members of your Committee on Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2170 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.


Respectfully submitted on
behalf of the members of the
Committee on Intergovernmental
and Military Affairs,


LORRAINE R. INOUE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2170	IGM, JDL	2/11/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred	/			
TOTAL	3	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

*Only one measure per Record of Votes