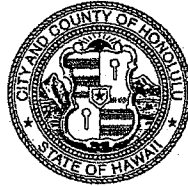


DEPARTMENT OF THE CORPORATION COUNSEL
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MUFI HANNEMANN
MAYOR

CARRIE K.S. OKINAGA
CORPORATION COUNSEL

DONNA M. WOO
FIRST DEPUTY CORPORATION COUNSEL

February 1, 2008

The Honorable Lorraine R. Inouye, Chair
The Honorable Shan S. Tsutsui, Vice Chair
Committee on Intergovernmental and Military Affairs
The Senate
Twenty-Fourth Legislature
State of Hawaii
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Inouye, Vice Chair Tsutsui and Committee Members:

Re: Senate Bill 2177, Relating to Public Land Liability

The City and County of Honolulu strongly supports Senate Bill 2177 which seeks to correct an inadvertent error in Act 82, Session Laws of Hawaii 2003.

The purpose of Act 82 (2003) was to establish a risk management procedure for improved public lands, involving the design and placement of signs that warn of dangerous natural conditions, and that affords the State and counties protection from liability for injuries resulting from those dangerous conditions. "Improved public lands" is defined to include all lands designated within the State and county park system, but excludes any public beach parks covered by the immunity provided by Act 190, Session Laws of Hawaii 1996. Act 82 provided the State and counties with immunity from dangerous natural conditions found on public lands while Act 190 provided immunity from liability arising from dangerous natural conditions in the oceans.

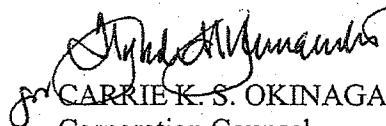
At the time of adoption of Act 82, it appears that there may have been an oversight or an assumption that land-based hazardous conditions do not exist in public beach parks, which explains the exclusion of "public beach parks" from the definition of "improved public lands." However, there are land-based hazards located within or abutting many of the City and County of Honolulu beach parks. Some of our beach parks abut mountain cliffs where there is a potential for falling boulders.

The Honorable Lorraine R. Inouye, Chair
The Honorable Shan S. Tsutsui, Vice Chair
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Page 2

We believe that there was never an intent to exclude public beach parks from the coverage of Act 82. Therefore, we request your support in passing Senate Bill 2177 which is consistent with the underlying intent and scope of Act 82 to address dangerous natural conditions in all State and county public beach parks.

Thank you for the opportunity to provide our comments on this bill.

Very truly yours,


CARRIE K. S. OKINAGA
Corporation Counsel

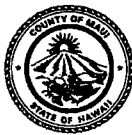
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SB2177 (2008)-TESTIMONY

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Ken Fukuoka

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February 1, 2008

TO: Honorable Lorraine R. Inouye, Chair
Senate Committee on Intergovernmental and Military Affairs

FROM: Joseph Pontanilla, Treasurer *Joseph Pontanilla*
Hawaii State Association of Counties

DATE: February 4, 2008

SUBJECT: **SUPPORT OF SB 2177, RELATING TO PUBLIC LAND LIABILITY**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to clarify the counties' immunity in operating county parks by deleting the exclusion of public beach parks from the definition of "improved public lands".

I am aware that the President of the Hawaii State Association of Counties (HSAC), Mel Rapozo, has submitted testimony, on behalf of HSAC, in support of this measure. SB 2170, included in the HSAC Legislative Package, has the same purpose as this measure; however, SB 2170 makes an incorrect reference to the statute to be amended. This measure correctly references the statute to be amended. The Maui County Council has not had the opportunity to take a formal position on this matter. As the Treasurer of HSAC and as Maui County's representative to HSAC, I concur with the testimony submitted by the President Rapozo, and urge you to support this measure.