

STAND. COM. REP. NO.

537

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 1040

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 1040 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to enhance public safety through a partnership between the State and counties to provide county lifeguard services at state beach parks. This bill makes permanent the law shielding county lifeguards from liability while providing rescue, resuscitation, and other lifeguard services on the beach or in the ocean.

The Department of Land and Natural Resources, the Department of the Attorney General, the Hawaii Council of Mayors, the County of Hawaii Office of the Corporation Counsel, the County of Hawaii Fire Department, the City and County of Honolulu, the City and County of Honolulu Emergency Services Department, the Hawaii Government Employees Association, and two concerned individuals testified in support of this bill. The County of Kauai Fire Department supported this measure with amendments. The Hawaiian Lifeguard Association supported the intent of this bill. The Hawaii Association for Justice opposed this measure.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1040 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

HB1040 HSCR WLO HMS 2009-2219



Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,



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KEN ITO, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HCR 537

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB1040	Committee Referral: WLO, JUD	Date: 2/13/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida				✓
4. CHANG, Jerry L.	✓			
5. CHONG, Pono				✓
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.				✓
8. LEE, Chris	✓			
9. LUKE, Sylvia	✓			
10. MORITA, Hermina M.	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	10			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				