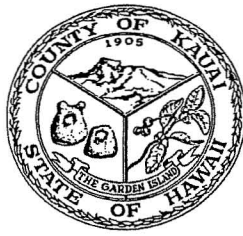


COUNTY COUNCIL

Bill "Kaipo" Asing, Chair
Jay Furfaro, Vice Chair
Tim Bynum
Dickie Chang
Daryl W. Kaneshiro
Lani T. Kawahara
Derek S. K. Kawakami



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February 26, 2009

TESTIMONY OF DEREK S. K. KAWAKAMI
KAUAI COUNTY COUNCIL
ON
H. B. NO. 1040, RELATING TO TORT LIABILITY
House Judiciary Committee
February 26, 2009
2:15 p.m.
Conference Room 325

Dear Chair Karamatsu and Members of the House Judiciary Committee:

Thank you for this opportunity to submit testimony in strong support of H.B. No. 1040, Relating to Tort Liability. My testimony is submitted in my capacity as an individual member of the Kaua'i County Council and the Chair of the Council's Public Safety/Energy/Intergovernmental Relations Committee. My testimony also reflects my view in my individual capacity as the Hawai'i State Association of Counties Vice-President.

H.B. No. 1040 repeals the sunset date established by Act 170 (SLH; 2002). Act 170 provides temporary liability protection for county lifeguard services up until 2010. The repeal of the sunset date of June 30, 2010, will greatly enhance safety for beachgoers and allow the counties to station lifeguards at county and state beach parks without the threat of potential liability.

For the reason stated above, I am in strong support of H.B. No. 1040 and ask for your favorable support.

Again, thank you for this opportunity to submit testimony.

Sincerely,

Derek S. K. Kawakami
Kaua'i County Councilmember

RW/wa2009