

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 1022

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 1022 entitled:

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

beg leave to report as follows:

The purpose of this measure is to make permanent, liability protections for certain state and county agencies relating to lifeguard services at state beach parks and warnings signs at public recreational areas.

Testimony in support of this measure was submitted by two state agencies, four county agencies, one organization, and three individuals. Testimony in opposition to this measure was submitted by one organization. Copies of written testimony are available for review on the Legislature's website.

Your Committees find that certain public recreational areas have potentially dangerous natural conditions that require a balance of public responsibility to heed signs and warnings, and governmental action to provide for the safe use of those recreational areas.

Your Committees further find that Act 170, Session Laws of Hawaii 2002, as amended, and Act 82, Session Laws of Hawaii 2003, as amended, provided certain county and state agencies with liability protections that will sunset on June 30, 2010. These protections have allowed state and county governments to keep open

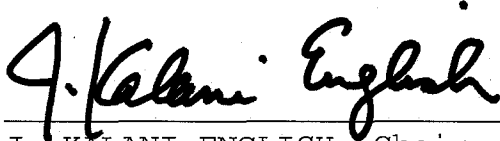


certain recreational areas which might have otherwise been more dangerous for the public or closed to the public.

Your Committees note that a task force was created by Act 152, Session Laws of Hawaii 2007, to examine the effectiveness of Acts 170, Session Laws of Hawaii 2002, and 82, Session Laws of Hawaii 2003. The task force collected relevant data and, with the exception of one member, found that the liability protections in Acts 170 and 82 were effective. Your Committees agree with the task force's recommendation that the protections in both acts should be made permanent.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1022 and recommend that it pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land,  
Agriculture, and Hawaiian  
Affairs and Transportation,  
International and  
Intergovernmental Affairs,



J. KALANI ENGLISH, Chair

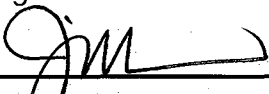


CLAYTON HEE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:* <b>SB 1022</b>	Committee Referral: <b>WTL/TIA, SGO</b>	Date: <b>2/11/09</b>		
<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
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.				✓
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 2em; font-family: cursive;">  </div>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Transportation, International and Intergovernmental Affairs**  
**TIA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1022	WTL/TIA, JGO	2/11/09		
<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
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)				✓
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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