

Honolulu, Hawaii

January 29, 2013

RE: H.B. No. 215

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 215 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to make permanent certain limits on liability of the State and the counties by repealing the sunset dates on:

- (1) Act 82, Session Laws of Hawaii 2003, as amended, which limits the State's and the counties' liability arising from inherent risks on public lands; provided that the State or county posts adequate warning; and
- (2) Act 170, Session Laws of Hawaii 2002, as amended, which limits the liability of the State, the counties, and individual lifeguards for civil damages incurred in the performance of lifeguard services in the scope of employment of a lifeguard.

The City and County of Honolulu Department of the Corporation Counsel, City and County of Honolulu Emergency Services Department, Hawai'i State Association of Counties, a member of the Hawaii County Council, a member of the Maui County Council, State Fire Council, Hawai'i Fire Department, Hawaiian Lifeguard Association, Department of Labor and Industrial Relations, and the



Department of Land and Natural Resources submitted testimony in support of this measure. Hawaii Association for Justice submitted testimony in opposition to this measure.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 215 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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


CINDY EVANS Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 2

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 215	Committee Referral: WAL, JUD, FIN	Date: 1/25/2013		
<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)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. COFFMAN, Denny				✓
4. CULLEN, Ty J.K.	✓			
5. HANOHANO, Faye P.	✓			
6. KAWAKAMI, Derek S.K.	✓			
7. LEE, Chris				✓
8. FALE, Richard Lee	✓			
9. THIELEN, Cynthia	✓			
TOTAL (9)	7			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				