

STAND. COM. REP. NO. 155

Honolulu, Hawaii
February 6, 2013

RE: H.B. No. 550

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

Sir:

Your Committees on Water & Land and Ocean, Marine Resources,
& Hawaiian Affairs, to which was referred H.B. No. 550 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY,"

beg leave to report as follows:

The purpose of this measure is to amend the definition of improved public lands by clarifying that a public entity's duty to warn of dangerous natural conditions only applies to lands that are developed or maintained by the State or relevant county.

The measure also excludes from the definition of improved public lands voluntary trails created by users of public lands and public beach parks.

The Department of Land and Natural Resources, City and County of Honolulu, and numerous individuals testified in support of the measure. The Hawaii Association for Justice testified in opposition to the measure. One individual submitted comments.

Your Committees find that Act 82, Session Laws of Hawaii 2003, was enacted to limit the liability of the State and counties with regard to inherent risks arising from the recreational use of public lands under their jurisdiction when signs meeting the requirements of the Act are posted to warn of those risks. The Legislature found that allowing the State and counties to manage these risks would encourage the State and counties to take reasonable steps to protect citizens from harm and prevent the closure of public lands to recreational use. Your Committees find

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that this measure will allow the State and counties to make better use of their limited resources by clarifying where warning signs should be placed and that the State or a county will not be liable for injuries that occur on voluntary trails that were not created or maintained by the State or a county.

As affirmed by the records of votes of the members of your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 550 and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water & Land and
Ocean, Marine Resources, &
Hawaiian Affairs,



FAYE P. HANOHANO, Chair



CINDY EVANS, Chair



