

STAND. COM. REP. NO. 939

Honolulu, Hawaii  
March 14, 2013

RE: S.B. No. 1009  
S.D. 1  
H.D. 1

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 S.B. No. 1009, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to support Hawaii lifeguards by making permanent liability protections for county lifeguards provided under Act 170, Session Laws of Hawaii 2002.

The Department of Land and Natural Resources; Mayor of the County of Kauai; City and County of Honolulu Department of the Corporation Counsel; Honolulu Emergency Services Department, City and County of Honolulu; a member of the Maui County Council; and the Hawaiian Lifeguard Association testified in support of this measure. The Hawaii Association for Justice testified in opposition of this measure. The Department of the Attorney General provided comments on this measure.

Your Committee has amended this measure by:

- (1) Adding a new provision to make permanent the State and counties' limited liability protections and duty to warn of dangers on public land contained in Act 82, Session Laws of Hawaii 2003; and

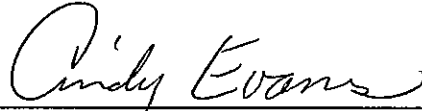
SB1009 HD1 HSCR WAL HMS 2013-2602



- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 1009, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1009, S.D. 1, H.D. 1, 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 939**

**Record of Votes of the Committee on Water & Land**

<b>Bill/Resolution No.:</b> SB1009, SD1 (SSCR 779)	<b>Committee Referral:</b> WAL, JWD, FIN	<b>Date:</b> 3-11-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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)				
<b>WAL Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
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	✓			
<b>TOTAL (9)</b>	8			1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <u>Nicole E. Lowen</u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				