

STAND. COM. REP. NO.

959

Honolulu, Hawaii
March 15, 2013

RE: S.B. No. 1168
S.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. 1168, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIMITED LIABILITY FOR MOUNTAIN CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON GOVERNMENT LAND,"

begs leave to report as follows:

The purpose of this measure is to limit the State's liability for personal injury incurred in the course of mountain climbing and rock climbing activities on state owned and managed land.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of the Attorney General, Access Fund, and numerous individuals. Your Committee received testimony in opposition to this measure from Hawaii Association for Justice. The City and County of Honolulu and one individual submitted comments on this measure.

Your Committee notes that concerns were raised in testimony that suggest that the current law protects the State from liability only from natural hazards and does not account for the additional risks inherent in rock climbing and mountain climbing activities. Your Committee respectfully requests that your Committee on Judiciary further investigate whether this measure adequately protects the State from liability for injury from these additional risks, should that Committee consider this measure. Your Committee further requests that your Committee on Judiciary

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also consider the inclusion in this measure of language to apply similar limitations on liability to the counties.

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. 1168, S.D. 1, 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



