

STAND. COM. REP. NO.

782

Honolulu, Hawaii

MAR 01 2013

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

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Ways and Means, 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 ensure the availability of public lands for outdoor recreational activities while protecting the State from unreasonable liability.

Specifically, this measure expressly provides public entities and public employees with immunity from liability for injury or damage sustained by persons on government land when engaged in mountain climbing, rock climbing, rappelling, or bouldering.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, The Access Fund, and numerous individuals.

Your Committee finds that there has been an increasing trend in public recreation throughout the United States and Hawaii to pursue mountain climbing, rock climbing, rappelling, bouldering, and related activities that require special skills, equipment, and specific geologic features. As the State has jurisdiction over millions of acres of land, staff limitations, and insufficient knowledge of all possible locations statewide that may be used for these activities, it would be extremely difficult for the State to

SB1168 SD1 SSCR LRB 13-1874.doc



regulate or manage the activities. Rather than attempting to impose and enforce prohibitions, this measure will provide government entities with immunity from liability while also allowing recreational users of public lands to continue pursuing these activities.

As affirmed by the record of votes of the members of your Committee on Ways and Means 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 Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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DAVID Y. IGE Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* SB1168, SD1	Committee Referral: WTL/JDL, WAM	Date: 2-22-13		
<input checked="" 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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	12	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
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\*Only one measure per Record of Votes