

STAND. COM. REP. NO.

1459

Honolulu, Hawaii

APR 12 2013

RE: S.C.R. No. 168
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.C.R. No. 168, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND
AND NATURAL RESOURCES, IN CONSULTATION WITH THE DEPARTMENT OF
THE ATTORNEY GENERAL, TO EXPLORE FEASIBLE OPTIONS RELATING TO
LIABILITY FOR INJURY OR DAMAGE SUSTAINED WHILE MOUNTAIN
CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON PUBLIC
LAND,"

begs leave to report as follows:

The purpose of this measure is to find ways to accommodate
certain outdoor activities on public land without placing
government entities at undue risk of being held liable for any
resulting injuries or damages.

Specifically, this measure urges the Department of Land and
Natural Resources, in consultation with the Department of the
Attorney General, to explore various options to address government
liability for injury or damage sustained while mountain climbing,
rock climbing, rappelling, or bouldering on public land.

Your Committee finds that mountain climbing, rock climbing,
rappelling, bouldering, and related outdoor activities include
inherent dangers that place government entities at continuous risk
of legal liability for injuries or damages occurring on public
land. Your Committee further finds that given the millions of
acres of public land and limited government resources, it would be
impracticable for the State to erect fences, post signs, or limit

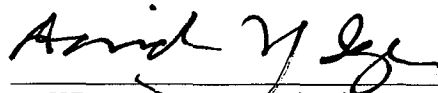
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access to all of the potential remote and unmanaged areas that the public may use for climbing activities. This measure urges an evaluation of various options to manage government liability without resorting to site closures that would limit or prevent public access.

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 concurs with the intent and purpose of S.C.R. No. 168, S.D. 1, and recommends its adoption.

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



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.:* SCR 168, SDI	Committee Referral: WTL/JDL, WAM	Date: 4-5-13		
<input 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	✓			
TOTAL	12	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes