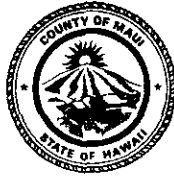


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
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January 25, 2013

The Honorable Cindy Evans, Chair
The Honorable Nicole E. Lowen, Vice-Chair
Committee Members
Committee on Water and Land
House of Representatives
The Twenty Fifth Legislature
Regular Session of 2013
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: HB 215, Relating to Liability

Dear Chair Evans, Vice-Chair Lowen, and Committee Members:

The County of Maui strongly supports HB 215, which repeals the sunset dates of Act 170, Session Laws of Hawaii (SLH) 2002, and Act 82, SLH 2003.

Act 170, in effect for a decade, limits the liability exposure of the counties while providing lifeguards at state and county beaches. Act 82 limits the liability exposure of the state and counties when providing public access to ocean and recreational areas. While it is difficult or impossible to quantify the value of having lifeguards at beaches, the need is obvious. By making the exception from liability for government lifeguard services a permanent provision, you provide the state and counties protection from liability, which in turn allows the state and counties to continue to keep beach parks open for public use, making them safer and more accessible for the public.

Further, by removing the sunset provisions of Acts 170 and 82, you provide the County of Maui with certainty regarding protection from liability when formulating long-term lifeguard service plans. We strongly support HB 215 and ask for your support of this measure.

Sincerely,

RICHELLE M. THOMSON
Deputy Corporation Counsel