



**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 11, 2013

The Honorable Cindy Evans, Chair  
Committee on Water and Land  
House of Representatives  
State Capitol, Room 425  
Honolulu, Hawaii 96813

The Honorable Faye Hanohano, Chair  
Committee on Ocean, Marine Resources, and Hawaiian Affairs  
House of Representatives  
State Capitol, Room 418  
Honolulu, Hawaii 96813

Dear Chairs Evans and Hanohano

Subject: S.B. 1009, S.D. 1 Relating to Liability

I am Robert Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support S.B. 1009, S.D. 1, which proposes to delete the sunset provision for the liability exception for county lifeguards and damages caused by dangerous natural conditions when certain warning signs are posted.

Passage of S.B. 1009, S.D. 1 would make our beaches accessible and safer by allowing counties to continue posting lifeguards at state beach parks without the threat of costly litigation for conditions or events that are outside the county's control. Act 170 protects lifeguards from liability when they provide rescue, resuscitative, or other lifeguard services. We support removal of the sunset date to ensure benefits of the act can continue.

The benefits of the act were documented in the findings of the Report of the Task Force Established by Act 152 (Task Force Report), which was submitted during the 2011 Legislative Session. The task force concluded that various programs developed under

The Honorable Cindy Evans and Faye Hanohano, Chairs  
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Acts 82, 170, and 190 have been effective in increasing public safety. The procedures contained therein have been and continue to be implemented by the state. Where funding has been appropriated, counties have stationed lifeguards at certain state beach parks.

The report further discusses the benefits of posting signage to the public and the lives saved as a result of posting county lifeguards at state beach parks. The state and counties adopted and installed a uniform signage design that complies with the requirements of Act 82. Based upon its review of various county programs for the implementation of Acts 82 and 170, the task force recommended that the sunset dates of Acts 82 and 170 be repealed.

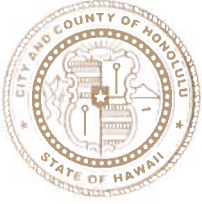
The SFC and the KFD urge your committee's support on the passage of S.B. 1009, S.D. 1.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

  
for ROBERT WESTERMAN  
Vice Chair

RW/LR



**CITY COUNCIL**  
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**STANLEY CHANG**

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March 8, 2013  
TESTIMONY OF STANLEY CHANG  
COUNCILMEMBER FOR THE CITY AND COUNTY OF HONOLULU  
On  
S.B. No. 1009 SD1, TORT LIABILITY  
Monday, March 11, 2013  
9:30 a.m.  
Conference Room 325

Dear Chair Hanohano and Committee Members:

Thank you for allowing me the opportunity to submit testimony in support of S.B. 1009 SD1 Relating to Tort Liability as a Councilmember for the City and County of Honolulu.

S.B. 1009, SD1, which repeals the sunset provision for the current legislation, will provide the State and the counties with continued liability protection, and make our beaches more accessible and safer for public use by allowing the counties to place lifeguards at State-owned beaches without the threat of litigation that are outside the counties' control.

Our county lifeguards provide necessary services for the health and safety of our residents and visitors at our beaches, as well as educating the public on beach safety and awareness.

For these reasons, I respectfully ask for your favorable passage of S.B. 1009, SD1 Relating to Tort Liability and thank the Committee for allowing me to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to be "St Chang", written in a cursive style.

Stanley Chang  
Councilmember – District IV