

STAND. COM. REP. NO. **3338**

Honolulu, Hawaii

RE: **APR 04 2014**
H.B. No. 1024
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1024, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to make permanent
the liability protections for lifeguards, the employing counties,
and the State providing lifeguard services on the beach or in the
ocean, except for the gross negligence or wanton acts or omissions
of the lifeguard.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Department of Land
and Natural Resources; Office of the Mayor, County of Kauai;
Office of the Mayor, County of Maui; Hawaii State Fire Council;
Honolulu Fire Department; Kauai Fire Department; Maui Fire
Department; Kauai Chamber of Commerce; Hawaii Government Employees
Association, AFSCME Local 152, AFL-CIO; Hawaii Lifeguard
Association; and three individuals.

Your Committee finds that county lifeguards are essential to
ocean and beach safety in providing protections to residents and
visitors in their enjoyment of state and county beaches. Limited
liability protection is necessary because some counties are unable
to provide lifeguard services due to the fear of potential
liability that might arise. As a result of the limited liability
protection, many lives have been saved by county lifeguards.

2014-2094 SSCR SMA.doc



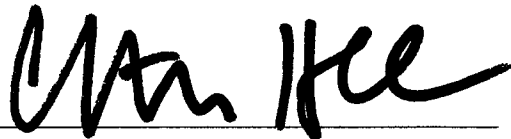
Under existing law, the limited liability protections for lifeguards, the counties, and the State against civil damages arising out of acts or omissions of lifeguards while performing lifeguard services will repeal on June 30, 2014. As a result, counties may have to discontinue lifeguarding services due to the increased liability risk and financial burden. This life-saving measure promotes and increases public safety by permanently extending liability protections to lifeguards, the counties, and the State.

Your Committee has amended this measure by:

- (1) Extending the sunset date for three more years from June 30, 2014, to June 30, 2017; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1024, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1024, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

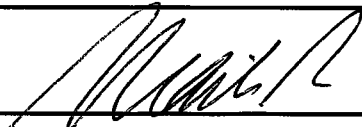


CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1024 HD1SD1	Committee Referral: PSM, JDL	Date: 4/3/14		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les				✓
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes