

Honolulu, Hawaii
February 10, 2014

RE: S.B. No. 1007
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1007, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to clarify the definition of "improved public lands" and exclude "voluntary trails" from improved public lands under Act 82, Session Laws of Hawaii 2003 (Act 82), relative to the liability protections for warning signs for outdoor recreation on public lands.

For purposes of a public hearing on this bill, your Committee circulated a Proposed S.B. No. 1007, S.D. 2, H.D. 1 (Proposed Draft), and notified the public that it would be accepting testimony on the proposed draft, which:

- (1) Increases the liability protections for the State and counties by extending the conclusive presumption for legally adequate warning to include dangerous non-natural conditions on unimproved public lands; and
- (2) Makes permanent the liability protections for warning signs for outdoor recreation on public lands in Act 82.



The County of Hawaii Department of Parks & Recreation; International Mountain Biking Association; Cloud Nine Tree Climbing, LLC; The Warrior's Way; and a great number of concerned individuals testified in support of this measure as received by your Committee. Two concerned individuals testified in opposition to this bill as received by your Committee. Numerous concerned individuals provided comments on this measure as received by your Committee.

The Department of the Attorney General; Department of Land and Natural Resources; C.A.M.P. USA, Inc.; Hawaii Paragliding Association; SLO Op Climbing; and a multitude of concerned individuals testified in support of the Proposed Draft. Hawaii Association for Justice testified in opposition to the Proposed Draft.

Your Committee considered the merits of both S.B. No. 1007, S.D. 2, as received by your Committee, and the Proposed Draft and upon careful consideration, adopted the Proposed Draft.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1007, S.D. 2, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1007, S.D. 2, H.D. 1.

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



KARL RHOADS, Chair



