

STAND. COM. REP. NO.

958

Honolulu, Hawaii

March 15, 2013

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

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committees on Water & Land and Ocean, Marine Resources,
& Hawaiian Affairs, to which was referred S.B. No. 1007, S.D. 2,
entitled:

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

beg leave to report as follows:

The purpose of this measure is to clarify the State's and the
counties' duty to warn against dangerous natural conditions on
improved public land, and therefore limit liability for personal
injuries incurred on that land, by clarifying that the duty to
warn does not apply to voluntary trails that are not constructed,
developed, or maintained by the State or a county.

Your Committees received testimony in support of this measure
from the Department of Land and Natural Resources, City and County
of Honolulu, Access Fund, and numerous individuals. Hawaii
Association for Justice submitted testimony in opposition to this
measure. The Department of the Attorney General submitted
comments.

Your Committees note that concerns were raised in testimony
that this measure does not account for the attractive nuisance
that exists when voluntary or unofficial trails created by
unsanctioned use exist in close proximity to official, maintained
state or county trails. Your Committees find that the location of
these voluntary trails and evidence of their frequent use can
create the appearance that these voluntary trails are, in fact,

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part of the official trail system. This can cause confusion and exposure to unforeseen risk even in informed trail users acting in good faith. Your Committees respectfully request that your Committee on Judiciary, should it consider this measure, investigate possible means of adequately protecting the public in situations involving voluntary trails in close proximity to official state and county trails.

As affirmed by the records of votes of the members of your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1007, S.D. 2, and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water & Land and
Ocean, Marine Resources, &
Hawaiian Affairs,



FAYE P. MANOHANO, Chair



CINDY EVANS, Chair



