

STAND. COM. REP. NO. 2295

Honolulu, Hawaii

FEB 12 2014

RE: S.B. No. 2112  
S.D. 1

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

Madam:

Your Committees on Water and Land and Public Safety,  
Intergovernmental and Military Affairs, to which was referred S.B.  
No. 2112 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

beg leave to report as follows:

The purpose and intent of this measure is to make permanent  
the civil liability protection for government agencies regarding  
their duty to warn of dangers on improved public lands and for  
county lifeguards.

Your Committees received testimony in support of this measure  
from the Department of Land and Natural Resources, Department of  
the Attorney General, Department of the Corporation Counsel of the  
City and County of Honolulu, Department of Emergency Services of  
the City and County of Honolulu, Mayor of the County of Maui,  
Mayor of the County of Kauai, Mayor of the County of Hawai'i,  
Kaua'i Fire Department, Hawai'i Fire Department, County of Maui  
Department of Fire and Public Safety, Hawaii State Fire Council,  
Honolulu Fire Department, Hawaiian Lifeguard Association, Kaua'i  
Chamber of Commerce, Kauai Lifeguard Association, Hawaii  
Government Employees Association, Hawaii Rifle Association, and  
eight individuals. Your Committees received testimony in  
opposition to this measure from the Hawaii Association for  
Justice.

Your Committees find that since the passage of legislation in  
the form of Act 82, Session Laws of Hawaii 2003, and in the

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ensuing eleven years, the Department of Land and Natural Resources has initiated a comprehensive sign program that is deployed statewide in public recreational areas associated with parks and wilderness trails. These actions have resulted in a variety of critical outcomes and now institutionalized management practices. The public has become accustomed to seeing the uniform, standard signs warning of potential exposure to hazardous natural conditions at managed trailheads and park entrances, in addition to at the actual point of exposure.

This sign program strikes the balance between the government's duty to warn and the public's responsibility to heed that warning and make an informed choice, before engaging in recreational activity.

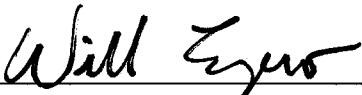
Act 170, Session Laws of Hawaii 2002, provides liability protection for counties and county lifeguards while providing rescue, resuscitative, or other lifeguard services. Your Committees find that the State does not have lifeguards but contracts with the counties for lifeguard services at its state parks. Liability concerns had prevented some counties from participating. Act 170 cleared up these concerns and allowed the State to contract with all counties for lifeguard services at state beach parks. If Act 170 is allowed to sunset, the risk is that counties may pull out of the program.

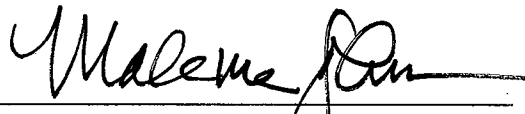
Your Committees have amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2112, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2112, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Public Safety,  
Intergovernmental and Military  
Affairs,


  
\_\_\_\_\_  
WILL ESPERO, Chair

  
\_\_\_\_\_  
MALAMA SOLOMON, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

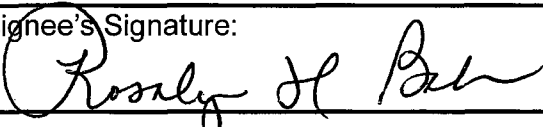
**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB2112</b>	Committee Referral: <b>WTL/PSM, JDL</b>	Date: <b>2/7/14</b>		
<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
SOLOMON, Malama (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
DELA CRUZ, Donovan M.				✓
IHARA, Jr., Les	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.				✓
TANIGUCHI, Brian				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>6</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date:		
8B 2112	WTL/PSM, JDL	2-7-2014		
<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
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh				✓
SLOM, Sam	✓			
<b>TOTAL</b>	4	-	-	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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