

STAND. COM. REP. NO. 2349

Honolulu, Hawaii

FEB 13 2014

RE: S.B. No. 2248
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 Judiciary and Labor, to which was referred S.B. No. 2248 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to make permanent Act 82, Session Laws of Hawaii 2003, as amended (Act 82), relating to the limitations of liability for public entities based on the duty to warn of dangers on public lands.

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, and one individual. Your Committee 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 and in the 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.

Your Committees have amended this measure by:

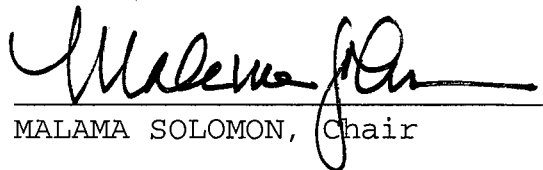
- (1) On the recommendation of the Attorney General, deleting its contents and inserting the contents of S.B. No. 1007, S.D. 2, Proposed H.D. 1 (Regular Session of 2014), which makes Act 82 permanent and additionally extends the conclusive presumption of signage as legally adequate warning of dangerous non-natural conditions on unimproved public lands; and
- (2) 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 Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2248, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2248, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Judiciary and Labor,



CLAYTON HEE, 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.:* SB 2248	Committee Referral: WTL/JDL, Wam	Date: 2/7/14		
<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
SOLOMON, Malama (C)	X			
GALUTERIA, Brickwood (VC)				X
DELA CRUZ, Donovan M.				X <i>SM</i>
IHARA, Jr., Les	X			
RUDERMAN, Russell E.	X			
SHIMABUKURO, Maile S.L.		X		
TANIGUCHI, Brian				X
THIELEN, Laura H.	X			
SLOM, Sam	X			
TOTAL	5	1	0	3 <i>SM</i>
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

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2248	Committee Referral: WTL / JDL, WAM	Date: 2/7/14		
<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	4	1	0	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				

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