

Honolulu, Hawaii
March 13, 2014

RE: S.B. No. 2248
S.D. 2

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

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 2248, 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 is to amend the limitations on State and county liability for activities on public land by:

- (1) Making permanent existing limitations created by Act 82, Session Laws of Hawaii 2003, applicable to improved public lands that are part of State and county park systems, parks, and parkways or the State's trail and access system where signs warn of dangerous natural conditions; and
- (2) Extending limitations to any unimproved public lands where signs warn of dangerous non-natural conditions.

The Department of the Attorney General; Department of Land and Natural Resources; Mountain Bike Hawaii, LLC; Hawaii Paragliding Association; and numerous individuals submitted testimony in support of this measure. The Hawaii Association of Justice submitted testimony in opposition. Several individuals submitted comments.



Your Committee notes that the effects of the liability protections afforded by this measure apply in specified ways based on whether the land is maintained by a public agency. The protections afforded to the state and counties by Act 83, Session Laws of Hawaii 2003, and made permanent by this measure apply to improved public land that is a State or county park, parkway, or included in a park or trail system. For these lands, proper warning signs limit State or county liability for injury caused by dangerous natural conditions.

The extended limitation established by this measure applies to all unimproved public land, regardless of its classification by the State or a county. For these lands, proper warning signs limit public liability for injury caused by dangerous non-natural, that is human-created, conditions. Although the liability limitations are defined differently, in each case they have the effect of limiting the State or a county's liability for injury caused by conditions not created or caused by the State or county.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2248, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,


CINDY EVANS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 932-14

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB2248, SD2	Committee Referral: WAL, JUD, FIN	Date: 3-10-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. HANOHANO, Faye P.	✓			
5. KAWAKAMI, Derek S.K.				✓
6. LEE, Chris	✓			
7. SAY, Calvin K.Y.				✓
8. NISHIMOTO, Scott Y.	✓			
9. FALE, Richard Lee	✓			
10. THIELEN, Cynthia				✓
TOTAL (10)	7	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>				
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