

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the Senate Committee on  
WAYS & MEANS

Tuesday, February 25, 2014  
9:10 AM  
State Capitol, Conference Room 211

In consideration of  
SENATE BILL 2248, SENATE DRAFT 1  
RELATING TO PUBLIC LAND LIABILITY

Senate Bill 2248, Senate Draft 1, proposes to amend Act 82, Session Laws of Hawaii (SLH) 2003, by deleting the sunset date of June 30, 2014, thus making permanent the liability protections provided by warning signs for outdoor recreation on public lands. **The Department of Land and Natural Resources (Department) strongly supports this measure.** This measure addresses the sunset date of Act 82, but also includes provisions that would clarify government's duty to warn where recreational activities such as rock climbing occur.

Since the passage of legislation in the form of Act 82, SLH 2003, and in the ensuing 11 years, the Department 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 associated with Act 82:

- The creation of a statewide risk assessment working group that established general design and placement standards for of warning signs and continues to review the placement of these signs and new design as warranted by conditions and exposure.
- The promulgation of Chapter 13-8, Hawaii Administrative Rules, for the Design and Placement of Warning Signs
- The approval process through the Board of Land and Natural Resources (Board) on the placement, and as warranted, the design of new warning signs.
- Sign inspection that includes records of the date of each sign location Board approval, installation, and the sign's condition over time.
- Over 400 Act 82 warning signs have been installed and are maintained by the Divisions of State Parks and Forestry and Wildlife, Na Ala Hele Trails and Access Program.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



In addition to making Act 82 permanent after 11 years of departmental and county implementation, Senate Bill 2248, Senate Draft 1, contains language that would allow for liability protection on public land where recreational activities such as rock climbing occur, with the posting of warning signs associated with exposure to hazards associated with this activity.

The public now 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 - across the State of Hawaii.

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.

It is time to now make this warning management protocol permanent.

The Department supports Senate Bill 2248, Senate Draft 1.



**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) REGARDING S.B. NO. 2248, SD 1**

Date: Tuesday, February 25, 2014  
Time: 9:10 am

To: Chairman David Ige and Members of the Senate Committee on Ways and Means:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. No. 2248, SD 1 Relating to Liability.

HAJ's opposition to this bill is contained in our prior written and verbal testimony. Thank you very much for allowing me to submit comments on this measure.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922



The Twenty-Seventh Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Finance

Testimony by  
Hawaii Government Employees Association  
February 25, 2014

S.B. 2248, S.D. 1 - RELATING TO  
PUBLIC LAND LIABILITY

The Hawaii Government Employees Association supports the purpose and intent of S.B. 2248, S.D. 1, which makes permanent Act 82, SLH 2003 by extending coverage and making permanent liability protections for warning signs in outdoor recreation on public lands.

We agree that Act 82 SLH 2003, which will sunset on June 30 2014, has established a process through which a legally adequate warning system could be developed for improved public lands. As a result, Act 82, SLH 2003 has increased public safety and protects the State and counties from unlimited liability arising out of recreational activities on public lands and, therefore should be made permanent.

The sign program strikes a reasonable 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 activities. Thank you for the opportunity to testify in support of S.B. 2448, S.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director

