

STAND. COM. REP. NO. 2345

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2620
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Judiciary and Labor, to which was referred S.B. No. 2620 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 extend the conclusive presumption of signage as legally adequate warning of dangerous conditions to "non-natural" conditions on unimproved public land.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of the Attorney General, Ko'olaupoko Hawaiian Civic Club, and four individuals. Your Committees received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committees find that in response to increased public demand for outdoor recreation on public lands and a commensurate increase in liability of the State and counties arising from risks on public lands, the Legislature established a conclusive presumption of signage as legally adequate warning of dangerous natural conditions on improved public lands, which are lands that are part of the state or county park system or Hawaii statewide trail and access system, state parks, and state parkways. Your Committees find that while non-natural, dangerous conditions may also exist on unimproved public land, the existing conclusive presumption of signage as legally adequate warning does not cover those conditions.



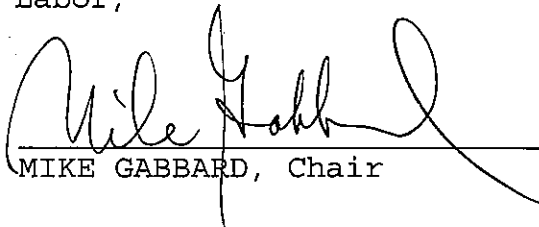
Your Committees have amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2620, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2620, S.D. 1, and be referred to your Committee on Ways and Means.

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



GILBERT S.C. KEITH-AGARAN, Chair



MIKE GABBARD, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, and Agriculture
WLA

Bill / Resolution No.:* <i>SB 2620</i>	Committee Referral: <i>WLA/JDL, WAM</i>	Date: <i>2/10/16</i>		
<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
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
DELA CRUZ, Donovan M.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.				✓
SHIMABUKURO, Maile S.L.	✓			
THIELEN, Laura H.	✓			
WAKAI, Glenn				✓
SLOM, Sam				✓
TOTAL	<i>6</i>			<i>3</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

