

Honolulu, Hawaii

APR 06 2018

RE: H.B. No. 2097
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 2097, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIFEGUARDS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Attorney General to defend any civil action or proceeding against a county and any person employed by the county to provide lifeguard services at a designated state beach park under an agreement between the State and the county; and
- (2) Appropriate funds to the Department of Land and Natural Resources to contract with the counties for county lifeguard services at designated state beach parks under an agreement between the State and a county.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Office of the Mayor of the County of Hawai'i; Honolulu Emergency Services Department; Ho'omanapono Political Action Committee; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and three individuals. Your Committees received



comments on this measure from the Department of the Attorney General and Hawaii Association for Justice.

Your Committees find that the State contracts with the counties to provide lifeguards at various state beach parks. These lifeguards provide a valuable service as first responders to residents and tourists alike. Although existing law authorizes the Attorney General to defend county lifeguards posted at designated state beach parks and the respective county against lawsuits, this does not completely eliminate the risk borne by the lifeguards or the counties. This measure requires the State to more fully assume the risk of posting county lifeguards at designated state park beaches under agreements between the State and counties.

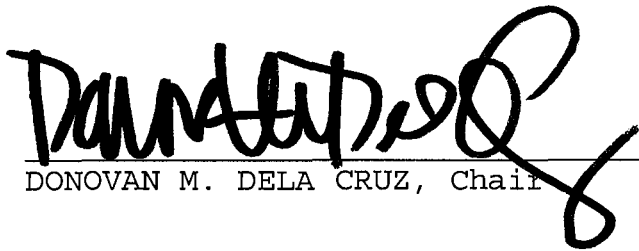
Your Committees have amended this measure by:

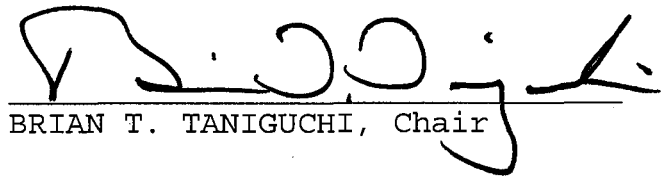
- (1) Abbreviating the legislative findings;
- (2) Removing redundant language;
- (3) Clarifying that the exemption from default judgement in section 662-16, Hawaii Revised Statutes, applies to all persons falling under that section of the Hawaii Revised Statutes instead of only to state employees;
- (4) Clarifying that the Department of the Attorney General is not required to defend a county from claims made against the county for the county's negligence or wrongful acts or omissions;
- (5) Inserting blank appropriation amounts in the appropriations to the Department of Land and Natural Resources to contract with the counties for county lifeguard services at designated state beach parks;
- (6) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2097, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2097, H.D. 1, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,

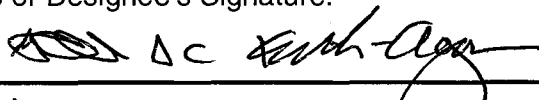

DONOVAN M. DELA CRUZ, Chair


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB2097 HDI SDI	Committee Referral: WTL, JDC/WAM	Date: 3/29/18		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
GALUTERIA, Brickwood	X			
HARIMOTO, Breene				X
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i				X
KIDANI, Michelle N.				X
RIVIERE, Gil				X
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
TOTAL	7			4
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