

STAND. COM. REP. NO.

621

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 160

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 160 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to establish an
exemption from tort liability for the State and counties arising
from lifeguard services provided by a county lifeguard on the
beach or in the ocean, except for gross negligence or wanton acts
or omissions.

Your Committee received testimony in support of this measure
from the Office of the Mayor of the County of Kauai; Maui County
Council; Kaua'i County Council; Hawaii Government Employees
Association, AFSCME Local 152, AFL-CIO; Hawai'i State Association
of Counties; County of Kauai Ocean Safety Bureau; Maui Hotel and
Lodging Association; Ocean Safety and Lifeguard Services; Drowning
and Aquatics Injury Prevention Advisory Committee; Honolulu County
Republican Party; one member of the Hawai'i County Council; one
member of the Kaua'i County Council; and eight individuals. Your
Committee received testimony in opposition to this measure from
the Hawaii Association for Justice.

Your Committee finds that after years of extensions granted
by the Legislature, the protections for lifeguards from liability
established by Act 170, Session Laws of Hawaii 2002, sunset on
June 30, 2017. Your Committee further finds that this limited



liability protection allowed counties to provide lifeguard services at various sites, including state beaches, without the threat of costly litigation. Your Committee additionally finds that continued placement of lifeguards at state-owned beaches and in the ocean will help reduce the number of deaths and injuries at these locations.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 160 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 160	PSM, JDC	2-12-2019


The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)				✓
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene	✓			
FEVELLA, Kurt				✓
TOTAL	3	-	-	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes