stand. com. rep. no. 2585

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2412

S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2412 entitled:

"A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."

begs leave to report as follows:

The purpose of this measure is to provide permanent liability protection for county lifeguard services and for public entities that post warning signs at public parks and beaches.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, the Attorney General, one councilmember from the County of Kauai, the County of Hawaii, four councilmembers from the County of Maui, the City and County of Honolulu, the Honolulu Emergency Services Department, the Hawaii State Association of Counties, and the Hawaiian Life Guard Association. Testimony in opposition to this measure was submitted by the Consumer Lawyers of Hawaii.

Your Committee finds that providing lifeguard services and adequate warning signs at certain parks and beaches are necessary to increase public safety and reduce ocean-related accidents. When proper warning signs are provided, the State and counties should be afforded some protection from liability. With regard to lifeguard services, your Committee finds that extending the sunset date, rather than repealing it, will allow the State and counties to continue to collect adequate data and information to determine the impact and effectiveness of this law.

Your Committee has amended this measure by changing the sunset date of Act 170, Session Laws of Hawaii, 2002, which provides an exception to liability for county lifeguard services, to July 1, 2008.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2412, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2412, S.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Refer	ral:	Date:	1/201	/
SB 2412	WLA/IGA	, JHW	2	· [#]	VV Y
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:	/		1		
Pass, unamended (2312)	Pass, with ame (2311)	endments	Hold (231)	1 1	Recommit (2313)
Members	, ,	Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)				,	
HEE, Clayton (VC)					
CHUN OAKLAND, Suzanne	 	//			
ENGLISH, J. Kalani		_//			$-\!$
IHARA, Jr., Les WHALEN, Paul	•				4414
WHALEN, Paul				1 12.44	
	TOTAL CONTRACTOR			, Egg () T	
11 P					i jaji
	:	:			:
					4 4 5 5
TOTAL		5	0	0	1
Recommendation: Adopted 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					

^{*}Do not list more than one measure per Record of Votes.