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Honolulu, Hawaii

April 26 , 2007

RE:

S.B. No. 1603

S.D. 2

H.D. 2

C.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1603, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to reduce the exposure of state and county governments to liability and keep public beach parks with potentially dangerous conditions open to the public by:

- (1) Repealing the sunset dates of Act 190, Session Laws of Hawaii 1996 (Act 190), and Act 170, Session Laws of Hawaii 2002 (Act 170); thus making these provisions permanent laws;
- (2) Extending the sunset date of Act 82, Session Laws of Hawaii 2003 (Act 82), to June 30, 2010; and

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(3) Indemnifying county agencies when a state agency uses county facilities or avails itself of county aid or support.

Your Committee on Conference finds that Act 190 established a process to develop legally adequate warnings at public beach parks. Act 170 provides liability protection for lifeguard services on the beach and in the ocean. Act 82 established a risk assessment group to review warning sign design and placement and to protect the State and counties from liability arising from recreational activities on public lands.

Your Committee on Conference has amended this measure by:

- Amending and extending the sunset date of Act 170, Session Laws of Hawaii 2002, from June 30, 2007, to June 30, 2010;
- Amending and extending the sunset date of Act 82, Session (2) Laws of Hawaii 2003, from June 30, 2008, to June 30, 2010;
- Creating a task force within the Department of the Attorney General to:
 - (A) Collect data on and examine the effectiveness of providing lifeguards conditional liability protection for lifeguard services at State beach parks;
 - (B) Collect data on and examine the effectiveness and adequacy of warning signs at public beach parks, and protecting the State and counties from unlimited liability with regard to activities in the ocean and at public beaches;
 - (C) Collect data on and examine the effectiveness and adequacy of warning signs at public recreational lands, and protecting the State and counties from unlimited liability arising out of recreational activities on public lands; and
 - Submit a written report of its findings and recommendations, including any proposed legislation, to the Legislature prior to the 2008 Regular Session; and
- Amending section 46-72, Hawaii Revised Statutes, to conform the statutes of limitations for injuries or



damages involving counties with the limitations applicable generally to the State and private citizens; and

(5) Making technical and nonsubstantive amendments for the purposes of style and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1603, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1603, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON MILE

ON THE PART OF THE SENATE

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KEN ITO, Co-Chair

TOMMY WATERS

Co-Chair

ON THE PART OF THE HOUSE

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RUSSELL S. KOKUBUN, Chai

LODDATNE D. TNOUVE Co Chair

CLAYTON HEE, Co-Chair

Hawaii State Legislature

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Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1603, SD 2, HD 2					Date/Time: 4/26/07				
The recommendation of the House and Senate managers is to pass with amendments (CD).									
☐ The Committee is reconsidering its previous decision.									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure				The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.					
Senate Managers	A	WR	N	Е	House Managers	A	WR	N	Е
KOKUBUN, Russell S., Chr.					ITO, Ken, Co-Chr.		,		
INOUYE, Lorraine R., Co-Chr.					WATERS, Tommy, Co-Chr.				
HEE, Clayton, Co-Chr.					THIELEN, Cynthia		4		
HOOSER, Gary L.									
SLOM, Sam									
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- Control of the Cont									
TOTAL					TOTAL	3			
A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$									
Senate Recommendation is:				House Recommendation is:					
Adopted U Not Adopted				Adopted Not Adopted					
Senate Leard Chair's or Designee's Signature:				House Lead Chair's or Designee's Signature:					
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