Honolulu, Hawaii

Agr. 1 30 , 2009 E: H.B. No. 1040

n.b. No. 104

H.D. 1 S.D. 2 C.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1040, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TORT 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 bill is to extend until June 30, 2013, the sunset date of:

- (1) The liability protections for lifeguards; and
- (2) The liability protections for the State and counties for incidents arising on improved public lands when certain warning requirements are met.

Your Committee on Conference has amended this bill by:

- (1) Extending the liability protections until June 30, 2014; and
- (2) Changing the effective date to upon approval.

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 H.B. No. 1040, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1040, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

KEN ITO, Co-Chair

JOV RIKI KARAMATSU, Co-Chair

The grant

J. KALANI ENGLISHY Chair

BRIAN T. TANIGUCHI, Co-Chair

Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1040, HD 1, SD 2				Date/Time: 4/28/09	2:24 pm				
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	Α,	WR	N	Е	House Managers	Α	WR	N	Е
ENGLISH, J. Kalani, Chr.	\				ITO, Ken, Co-Chr.				
TANIGUCHI, Brian T., Co-Chr.					KARAMATSU, Jon Riki, Co-Chr.	1			
GABBARD, Mike	7	,			TSUJI, Clift	1			
TAKAMINE, Dwight Y.		_			THIELEN, Cynthia	1			
SLOM, Sam	1								

TOTAL	5	_	_	_	TOTAL	4	****	- Ne.	_
A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$									
Senate Recommendation is:				House Recommendation is:					
Adopted Not Adopted				Adopted Not Adopted					
Senate Lead Chair's or Designee's Signature:				House Lead Chair's or Designee's Signature:					
Distribution: Original File with Conference Committee Report Hou					Yellow Pink Goldenrod ouse Clerk's Office Senate Clerk's Office Drafting Agency				