STAND. COM. REP. NO.

Honolulu, Hawaii

APR 0.9 2009

RE: H.B. No. 1040

> H.D. 1 S.D. 2

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1040, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to make permanent Act 170, Session Laws of Hawaii 2002 (Act 170), relating to county liability for lifeguard services, and Act 82, Session Laws of Hawaii 2003 (Act 82), relating to public land liability.

Your Committee acknowledges the importance of the liability protections afforded by Act 170 and Act 82. However, your Committee finds that caution dictates that the sunset date of Act 170 and Act 82 should be extended rather than made permanent at this time.

Your Committee has amended this measure by:

- (1)Extending the sunset date of Act 170 and Act 82 for three years, i.e., until June 30, 2013; and
- (2) Changing the effective date to July 1, 2050, to continue the discussions on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and

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

Respectfully submitted on behalf of the members of the Committee on Judiciary and Government Operations,

BRIAN T. TANIGUCHI, Chai:

## The Senate Twenty-Fifth Legislature State of Hawaii

## Record of Votes Committee on Judiciary and Government Operations JGO

Bill / Resolution No.:*	Committee Referral: Date:				
HB 1040, HD 1, SDI TIA, JGO 4/6/2009					
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye∕	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)		<b>V</b> /			
TAKAMINE, Dwight Y. (VC)		1			
BUNDA, Robert		<b>V</b> /	I Proper in the second	and the second property of the second	ARIAN WARRINGS
GABBARD, Mike		V /			
NISHIHARA, Clarence K.		V /			
SLOM, Sam					
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TOTAL		6	Ø	<b>O</b>	0
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					

<sup>\*</sup>Only one measure per Record of Votes