STAND. COM. REP. NO. 912 -12

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 1753 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1753 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to make permanent the limitation on liability for state and county governments regarding the duty to warn of dangerous natural conditions on improved public lands and the actions of county lifeguards.

The Department of the Attorney General, State Fire Council, Honolulu Fire Department, Department of Land and Natural Resources, Emergency Services Department of the City and County of Honolulu, Kauai Fire Department, Department of the Corporation Council of the City and County of Honolulu, Hawaii State Association of Counties, Hawaii Government Employees Association, the Mayor of Kauai County, the Treasurer of the Hawaii State Association of Counties, a Council Member of the Maui County Council, and several concerned individuals testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure.

Your Committee has amended this measure by:

- (1) Extending the repeal date for the liability protections afforded state and county governments regarding the duty to warn of dangerous natural conditions on improved public lands and the actions of county lifeguards to June 30, 2016; and
- (2) Changing the effective date to January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1753, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1753, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB いろろ	Committee Referral: WLO, JUD			Date: 3/1/12		
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold						
Pass short form bill with HD to recommit for future public hearing (recommit)						
JUD Members		Ayes	Ayes (WR)	Nays	Excused	
1. KEITH-AGARAN, Gilbert S.C. (C)						
2. RHOADS, Karl (VC)						
3. BROWER, Tom		✓				
4. CABANILLA, Rida T.R.						
5. CARROLL, Mele		1				
6. COFFMAN, Denny		/				
7. HERKES, Robert N.						
8. ITO, Ken						
9. LUKE, Sylvia						
10. McKELVEY, Angus L.K.						
11. SOUKI, Joseph M.						
12. TSUJI, Clift						
13. FONTAINE, George R.						
14. MARUMOTO, Barbara C.		_		· · · · · · · · · · · · · · · · · · ·	_	
15. THIELEN, Cynthia			-			
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TOTAL (15)		13	0	0	2	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						