STAND. COM. REP. NO.

Honolulu, Hawaii February 4, 2013 RE: H.B. No. 625 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 625 entitled:

"A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to apply limits on landowner liability under the State's landowners' liability law, chapter 520, Hawaii Revised Statutes, to land owned by the government.

The Department of Land and Natural Resources and numerous individuals, including several hundred signatories of a petition in support, testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure.

Your Committee finds that this measure seeks to clarify that no public employee or entity shall be liable to any person for injury or damage sustained in the course of mountain climbing, rock climbing, rappelling, or bouldering on government land. Your Committee supports the intent of this measure and recommends that it advance through the legislative process. Your Committee respectfully requests that your Committee on Judiciary consider this measure to determine the appropriate method of establishing limits on State liability.



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Your Committee has amended this measure by:

- (1) Adding a new section to specify that no public entity or public employee shall be liable under the State Tort Liability Act, chapter 662, Hawaii Revised Statutes, to any person for injury or damages sustained on government land when engaged in mountain climbing, rock climbing, rappelling, and bouldering; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 625, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 625, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Water & Land,

CINDY EVANS, Chair



HSCR36

State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: B 625 Committee	e Referral: WAL, J	IUD Date:	1/28/1	3
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	V			
2. LOWEN, Nicole E. (VC)	\checkmark			
3. COFFMAN, Denny				
4. CULLEN, Ty J.K.				
5. HANOHANO, Faye P.				
6. KAWAKAMI, Derek S.K.	1/			
7. LEE, Chris				
8. FALE, Richard Lee				
9. THIELEN, Cynthia				
TOTAL (9)	8			
The recommendation is: Adopted In Not Adopted If joint referral,				
Vice Chair's or designee's signature: Mull & House				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				