

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

Sir:

Your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs, to which was referred S.B. No. 1007, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY,"

beg leave to report as follows:

The purpose of this measure is to clarify the State's and the counties' duty to warn against dangerous natural conditions on improved public land, and therefore limit liability for personal injuries incurred on that land, by clarifying that the duty to warn does not apply to voluntary trails that are not constructed, developed, or maintained by the State or a county.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, City and County of Honolulu, Access Fund, and numerous individuals. Hawaii Association for Justice submitted testimony in opposition to this measure. The Department of the Attorney General submitted comments.

Your Committees note that concerns were raised in testimony that this measure does not account for the attractive nuisance that exists when voluntary or unofficial trails created by unsanctioned use exist in close proximity to official, maintained state or county trails. Your Committees find that the location of these voluntary trails and evidence of their frequent use can create the appearance that these voluntary trails are, in fact,

SB1007 SD2 HSCR WAL-OMH HMS 2013-2596

STAND. COM. REP. NO. Page 2



part of the official trail system. This can cause confusion and exposure to unforeseen risk even in informed trail users acting in good faith. Your Committees respectfully request that your Committee on Judiciary, should it consider this measure, investigate possible means of adequately protecting the public in situations involving voluntary trails in close proximity to official state and county trails.

As affirmed by the records of votes of the members of your Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1007, S.D. 2, and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committees on Water & Land and Ocean, Marine Resources, & Hawaiian Affairs,

CINDY EVANS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature



## Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB 1007, SD 2 (SSCR 723) Committee Referral: WAL/OMH, JUD, FIN Date: 3-11-13						
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)						
WAL Members	Ayes	Ayes (WR)	Nays	Excused		
1. EVANS, Cindy (C)	i/					
2. LOWEN, Nicole E. (VC)						
3. COFFMAN, Denny	V					
4. CULLEN, Ty J.K.						
5. HANOHANO, Faye P.	V					
6. KAWAKAMI, Derek S.K.						
7. LEE, Chris	V					
8. FALE, Richard Lee	V					
9. THIELEN, Cynthia						
		-				
TOTAL (9)	8		-	1		
The recommendation is: Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature: Misle & Loven						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						

State of Hawaii House of Representatives The Twenty-seventh Legislature



## Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

Bill/Resolution No.: GB 1007 GO 2	Committee Referral: WAL/OMH, JUD, FIN						
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)							
OMH Members	Ayes	Ayes (WR)	Nays	Excused			
1. HANOHANO, Faye P. (C)			· · · · · · · · · · · · · · · · · · ·				
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2. CULLEN, Ty J.K. (VC)							
3. COFFMAN, Denny							
4. EVANS, Cindy							
5. KAWAKAMI, Derek S.K.							
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6. LEE, Chris							
7 LOWEN Nicolo F							
7. LOWEN, Nicole E.							
8. FALE, Richard Lee							
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TOTAL (8)	- 7-	Ø	Ø	1			
The recommendation is: Image: Adopted for the formation is: Image: Adopted formation is: Image: Adopted formation is:   If joint referral,							
Vice Chair's or designee's signature:							
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