

STAND. COM. REP. NO.

723

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 1007

S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 1007, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend Act 82, Session Laws of Hawaii 2003, relating to public land liability.

Specifically, this measure:

- (1) Amends the definition of "improved public lands" to clarify that the term only includes parks and trails that are developed or maintained by the State or county; and
- (2) Defines the term "voluntary trails" and provides that voluntary trails are excluded from the definition of improved public lands.

Your Committee received written comments in support of this measure from twenty-six individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that Act 82, Session Laws of Hawaii 2003, established a process by which the State and counties are provided protection from liability on improved public lands when

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certain requirements are met. However, as currently written, Act 82 does not distinguish between parks and trails constructed, owned, and maintained by the State and counties and other lands that, although part of the state park system, are not developed or maintained by the State or counties. Your Committee believes that this measure clarifies that public entities do not have a duty to warn of dangerous natural conditions on public lands that are part of the state or county park system, if the land is not developed or maintained by the State or county, including trails created by users that are not part of the statewide trail and access system.

Your Committee has amended this measure by making technical nonsubstantive amendments for the purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1007, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1007, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 1007, SD1	Committee Referral: WTL/PSM/JDL,WAM	Date: 2-22-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.		✓		
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	11	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes