

RE: S.B. No. 1168 S.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 S.B. No. 1168, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIMITED LIABILITY FOR MOUNTAIN CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON GOVERNMENT LAND,"

begs leave to report as follows:

The purpose of this measure is to limit the State's liability for personal injury incurred in the course of mountain climbing and rock climbing activities on state owned and managed land.

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

Your Committee notes that concerns were raised in testimony that suggest that the current law protects the State from liability only from natural hazards and does not account for the additional risks inherent in rock climbing and mountain climbing activities. Your Committee respectfully requests that your Committee on Judiciary further investigate whether this measure adequately protects the State from liability for injury from these additional risks, should that Committee consider this measure. Your Committee further requests that your Committee on Judiciary

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also consider the inclusion in this measure of language to apply similar limitations on liability to the counties.

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 S.B. No. 1168, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

CINDY EVANS.



State of Hawaii House of Representatives The Twenty-seventh Legislature



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

Bill/Resolution No.: SB1168, SD1 (SSCR 782) WAG			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)				
2. LOWEN, Nicole E. (VC)	$\checkmark$			
3. COFFMAN, Denny	V			
4. CULLEN, Ty J.K.	$\checkmark$			
5. HANOHANO, Faye P.	V			
6. KAWAKAMI, Derek S.K.				
7. LEE, Chris				·
8. FALE, Richard Lee	V			
9. THIELEN, Cynthia				· · · · · · · · · · · · · · · · · · ·
TOTAL (9)	<b>~</b>			
The recommendation is:  If Adopted    If joint referral,				
Vice Chair's or designee's signature: Michele, E. Louise				
Distribution: Original (White) Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) HMSO				