STAND. COM. REP. NO.

Honolulu, Hawaii

FEB 1 4 2017

RE: S.B. No. 562

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 562 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to make permanent the limited liability protection established under Act 170, Session Laws of Hawaii 2002, for county lifeguards and counties providing lifeguard services on beaches or in the ocean.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Land and Natural Resources; Mayor of the County of Kaua'i; Kaua'i Fire Department; Ocean Safety Bureau of the Kaua'i Fire Department; Hawaii State Association of Counties; Hawaiian Lifeguard Association; Maui Hotel & Lodging Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that providing lifeguard services at beaches and in the ocean, including in state beach parks, is vital to the health, safety, and welfare of the public. In the past, the threat of potential tort liability meant that some counties would not provide lifeguard services at some beaches. In 2002, the Legislature addressed this problem by providing limited tort liability for county lifeguards and counties providing lifeguard services on beaches or in the ocean, except in cases of gross negligence or wanton acts or omissions. This measure makes those



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liability protections for counties and county lifeguards permanent.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 562 and recommends that it pass Second Reading and be referred to your Committee on Judiciary and Labor.

> Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair



The Senate Twenty-Ninth Legislature State of Hawaiʻi

Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*	Committee		Dat	ie: 2/-	1/17
SB 562	PSM	JDL		/_/	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)					
WAKAI, Glenn (VC)					
BAKER, Rosalyn H.		\checkmark	/		
IHARA, Jr., Les					V
THIELEN, Laura H.					
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TOTAL		4	Ø	Q	
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Cop					
*Only <u>one</u> measure per Record of Votes					