

Honolulu, Hawaii

FEB 14 2024

RE: S.B. No. 3259  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 3259 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 permanently reinstate the liability protections previously afforded to county lifeguards providing services at state beach parks or in the ocean.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

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

Your Committee finds that Act 170, Session Laws of Hawaii 2002, which established liability protection for county lifeguards providing services at state beach parks or in the ocean, except in cases of gross negligence or wanton acts or omissions, was repealed in 2017. Your Committee further finds that providing this limited liability protection is necessary as some counties do not provide lifeguard services at state beach parks resulting from the fear of potential liability. This measure will help protect

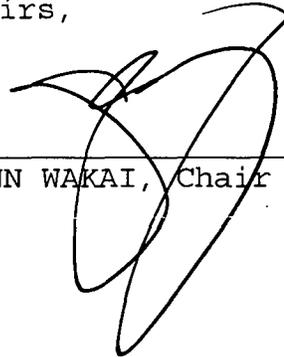


the lives of the State's residents and visitors by reinstating liability protections for lifeguards.

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

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3259, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3259, S.D. 1, and be referred to your Committee on Judiciary.

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



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GLENN WAKAI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SB3259</b>	Committee Referral: <b>PSM, JPC</b>	Date: <b>2/9/24</b>		
<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				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
RHOADS, Karl		✓		
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

**\*Only one measure per Record of Votes**