

Honolulu, Hawaii

APR 12 2013

RE: S.R. No. 125

S.D. 1

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.R. No. 125, S.D. 1, entitled:

"SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, TO EXPLORE FEASIBLE OPTIONS RELATING TO LIABILITY FOR INJURY OR DAMAGE SUSTAINED WHILE MOUNTAIN CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON PUBLIC LAND,"

begs leave to report as follows:

The purpose of this measure is to find ways to accommodate certain outdoor activities on public land without placing government entities at undue risk of being held liable for any resulting injuries or damages.

Specifically, this measure urges the Department of Land and Natural Resources, in consultation with the Department of the Attorney General, to explore various options to address government liability for injury or damage sustained while mountain climbing, rock climbing, rappelling, or bouldering on public land.

Your Committee finds that mountain climbing, rock climbing, rappelling, bouldering, and related outdoor activities include inherent dangers that place government entities at continuous risk of legal liability for injuries or damages occurring on public land. Your Committee further finds that given the millions of acres of public land and limited government resources, it would be impracticable for the State to erect fences, post signs, or limit



access to all of the potential remote and unmanaged areas that the public may use for climbing activities. This measure urges an evaluation of various options to manage government liability without resorting to site closures that would limit or prevent public access.

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 concurs with the intent and purpose of S.R. No. 125, S.D. 1, and recommends its adoption.

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



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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.:*	Committee Referral:	Date:		
SR 125, SDI	WTL / JDL, WAM	4-5-13		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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	✓			
	12	1	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes