Honolulu, Hawaii

April 4 , 2014

E:

S.B. No. 1007

S.D. 2 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 1007, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase liability protections for the State and counties by extending the conclusive presumption for legally adequate warning to include dangerous non-natural conditions on unimproved public lands; and
- (2) Make permanent the liability protections based on posting warning signs regarding outdoor recreation on public lands established by Act 82, Session Laws of Hawaii 2003.

The Hawaii Paragliding Association; Hawaii Trail and Mountain Club; Hawaii Bicycling League; Mountain Bike Hawaii LLC; Hawaii Trail and Mountain Club; Oahu Mountain Bike Ohana; 808 Caveman; Access Fund; Climb Aloha; Soultrex, Inc.; Oahu Weekend Hikers; and numerous individuals testified in support of this measure. The Department of Land and Natural Resources and Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Removing the provisions extending the conclusive presumption for legally adequate warning to include dangerous non-natural conditions on unimproved public lands; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1007, S.D. 2, H.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, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Finance,



State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 1655-14

Record of Votes of the Committee on Finance

| Bill/Resolution No.: | Committee Referral: | | | Date: | | |
|--|---|------|--|---------|--|---------|
| SB 1007, SD2, HD1 | WAL/OMH, JUD, FIN | | | 4/3/14 | | |
| ☐ 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) | | | | | | |
| FIN Members | | A | | D) N- 1 | | |
| A STATE OF THE STA | 000001-2::::: L 127 - A-912 S-25100-202 | Ayes | Ayes (W | K) | Nays | Excused |
| 1. LUKE, Sylvia (C) | | | | | 7-1948- | |
| 2. NISHIMOTO, Scott Y. (VC) | | | | SIR | | |
| 3. JOHANSON, Aaron Ling (VC) | | | | | | |
| 4. CULLEN, Ty J.K. | VIII VIII VIII VIII VIII VIII VIII VII | | | | Silver February Street | |
| 5. HASHEM, Mark J. 6. ING, Kaniela | | | | | | |
| 7. JORDAN, Jo | | | | | | |
| 8. KOBAYASHI, Bertrand | | | | | | |
| 9. LOWEN, Nicole E. | | | | | | |
| 10. MORIKAWA, Dee | | | | | | |
| 11. ONISHI, Richard H.K. | | | | | | |
| 12. TAKAYAMA, Gregg | | | X-24 | | | |
| 13. TOKIOKA, James Kunane | | | | 911 | | |
| 14. WOODSON, Justin H. | | | Part of the second seco | | A CONTRACTOR OF THE CONTRACTOR | |
| 15. YAMASHITA, Kyle T. | | | | 11 | | |
| 16. FUKUMOTO, Beth | | | | | | |
| 17. WARD, Gene | | | | | | |
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| TOTAL (17). | | 15 | | | | 2 |
| The recommendation is: Adopted Not Adopted | | | | | | |
| If joint referral, did not support recommendation. | | | | | | |
| Vice Chair's or designee's signature: | | | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | | | |
| Duplicate (Pink) - millso | | | | | | |