

Honolulu, Hawaii

FEB 11 , 2021

RE: H.B. No. 823
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 823 entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase efficiency and update old statutory provisions by:

- (1) Repealing the Task Force on Beach and Water Safety and Risk Assessment Working Group; and
- (2) Requiring the design and placement of warning signs, devices, and systems on certain areas of the State to be approved by the Chairperson of the Board of Land and Natural Resources and the respective county mayors.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Department of the Attorney General. Your Committee received comments on this measure from the Hawaii Association for Justice.

Your Committee finds that the Task Force on Beach and Water Safety, established pursuant to Act 190, Session Laws of Hawaii 1996, and the Risk Assessment Working Group, established in section 171-86, Hawaii Revised Statutes, pursuant to Act 82,



Session Laws of Hawaii 2003, were created to advise the Chairperson of the Board of Land and Natural Resources regarding the design and placement of warning signs, devices, or systems at public beach parks and improved public lands before the Chairperson approved the design and placement of such warning signs, devices, and systems. Your Committee further finds that these two groups are defunct and no longer necessary to effectuate proper warnings of dangers at public beach parks and improved public lands. This measure will eliminate the Task Force on Beach and Water Safety and Risk Assessment Working Group and will allow the Chairperson and mayor of the county in which a warning sign, device, or system is to be placed to quickly approve its design and placement.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.B. No. 823, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 823, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

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Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB823	Committee Referral: WAL, JHA, FIN	Date: 2/9/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	Ø			
2. BRANCO, Patrick Pihana (VC)	Ø			
3. GANADEN, Sonny	Ø			
4. KOBAYASHI, Bertrand	Ø			
5. KONG, Sam Satoru	Ø			
6. MORIKAWA, Dee	Ø			
7. OHNO, Takashi	Ø			
8. McDERMOTT, Bob				Ø
TOTAL (8)	7			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				