

Honolulu, Hawaii

April 23, 2008

RE: S.B. No. 2170  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2170, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to remove the exclusion of public beach parks falling within Act 190, Session Laws of Hawaii 1996 ("Act 190"), from the definition of "improved public lands" in Act 82, Session Laws of Hawaii 2003 ("Act 82").

Act 82 recognizes that many public lands are inherently dangerous and contain potential risks, especially for those who are unprepared, participate in hazardous recreational activities, or choose to ignore warning signs. Striking an equitable balance between the personal responsibility of individuals engaged in recreational pursuits on public lands and the government's duty to



protect its citizens from harm, Act 82 establishes a conclusive presumption that signage warning of dangerous natural conditions on improved public lands constitutes legally adequate warning of those conditions, provided that certain design, placement, and inspection requirements are met.

While Act 82 clearly applies to state and county park systems, it does not apply to public beach parks, since it excludes from the definition of "improved public lands", any public beach park falling within Act 190. Whether any public beach park falls under Act 190, however, is unclear, since that Act develops a legally adequate warning system for dangerous natural conditions in the ocean adjacent to a public beach park, but not necessarily for the public beach park itself.

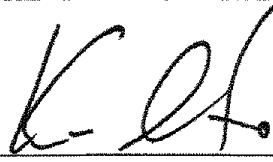
Public beach parks are an important part of the public park system that should not be singled out from other types of parks within the State. Accordingly, this bill clarifies that Act 82 applies to public beach parks.

Your Committee has amended this measure by changing the effective date to be upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2170, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2170, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

  
KEN ITO, Co-Chair

  
TOMMY WATERS, Co-Chair

ON THE PART OF THE SENATE

  
LORRAINE R. INOUE, Chair

  
BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 2170, SD 1, HD 1</b>	Date/Time: <b>4/15/08</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).


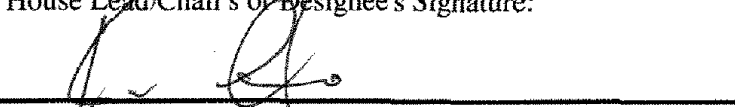
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUE, Lorraine R., Chr.	✓				ITO, Ken, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				WATERS, Tommy, Co-Chr.	✓			
KOKUBUN, Russell S.	✓				TOKIOKA, James Kunane	✓			
HEMMINGS, Fred				✓	THIELEN, Cynthia	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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