

STAND. COM. REP. NO.

894

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 548
H.D. 3
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Tourism, to which was referred H.B. No. 548, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose of this measure is to hold authors and publishers of visitor websites and publications liable to readers who suffer injury or death as a result of being enticed to go onto private or public lands from which the public is excluded. The intent of this measure is to reduce trespassing and prevent or diminish risk of serious injury or death to visitors of Hawaii who trespass onto certain lands.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawai'i Tourism Authority; Land Use Research Foundation of Hawaii; Grove Farm Company, Inc.; Hawaii Farm Bureau Federation; Enterprise Honolulu; Pahio Development, Inc.; and two private citizens. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i; This Week Magazines; The Islander Group; Sierra Club Hawai'i Chapter; Hawaii Publishers Association; Association of American Publishers, Inc.; Media Coalition; Honolulu Publishing Company, Ltd.; Society of Professional Journalists, Hawaii Chapter; The Bess Press; Wizard Publishing, Inc.; Page Marketing, Inc.; and four private citizens. Your Committee received comments on this measure from the Hawaii Association for Justice.

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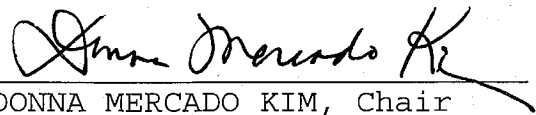
Your Committee finds that there is large support for the creation of a task force to identify problem areas on all islands that pose a risk of serious injury or death to visitors. Your Committee also finds that a similar measure, S.B. No. 1207, S.D. 1 (2011), contains language that creates a task force to assist the State in identifying these problem areas.

Accordingly, your Committee has amended this measure by deleting its contents and replacing them with the contents of S.B. No. 1207, S.D. 1. This measure, as amended:

- (1) Establishes a task force to identify problem areas on the various islands of the State and recommend remedies to reduce the incidence of trespass over privately held or public lands; and
- (2) Requires the task force to prepare and submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2012.

As affirmed by the record of votes of the members of your Committee on Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 548, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 548, H.D. 3, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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


DONNA MERCADO KIM, Chair



