

Honolulu, Hawaii

FEB 17 2011

RE: S.B. No. 1207
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 Economic Development and Technology, to which was referred S.B. No. 1207 entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Hold authors and publishers of visitor guide websites and visitor guide publications liable to individuals who suffer injury or death as a result of being enticed to trespass by the visitor guide websites or publications; and
- (2) Exempt private property owners or legal occupiers of land from liability for trespassers' injury or death.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawai'i Tourism Authority; Kaua'i Fire Department; Kamehameha Schools; Hawaii Farm Bureau Federation; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; Hawaii Cattlemen's Association; Maui Cattlemen's Association; Maui Hotel & Lodging Association; Kaua'i Visitors Bureau; Princeville Ranch Adventures; Grove Farm Company, Inc.; Haleakala Ranch; Case Lombardi & Petit, and five individuals. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i; Media Coalition, Inc.; Association of American Publishers, Inc.; Hawaii



Book Publishers Association; The Bess Press, Inc.; Wizard Publishing, Inc.; Hawaii Association for Justice; and four individuals. Your Committee received comments on this measure from Fathom Five Divers of Kauai.

Your Committee finds that the issue of unauthorized access to private and public lands as the result of information published on visitor guide websites and in visitor guide publications has raised grave concerns for all those testifying on this measure. Your Committee has considered the issues raised in testimony and believes that the measure, as heard, is premature in its response to the problem.

Your Committee understands that in some instances, the parties have resolved trespass issues through collaborative efforts by landowners and publishers, and believes this is a more appropriate approach to the overall problem.

Your Committee has amended this measure accordingly, by:

- (1) Deleting the statutory provisions related to visitor guide liability;
- (2) Establishing a task force, attached to the Department of Business, Economic Development, and Tourism for administrative purposes, to identify problem areas on the various islands related to trespass over privately held or public lands as the result of information published on visitor guide websites and in visitor guide publications;
- (3) Authorizing the Legislative Reference Bureau to provide assistance to the Task Force in the compilation and publication of the findings and recommendations of the task force; and
- (4) Requiring a report to the Legislature prior to the Regular Session of 2012.

As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1207, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B.



No. 1207, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Technology,

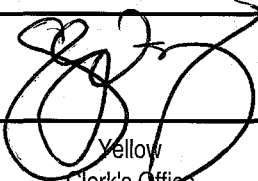


CAROL FUKUNAGA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB1207	Committee Referral: EDT, JDL	Date: 2/11/11		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes