

STAND. COM. REP. NO. **642**

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1079
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 1079, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to protect farmers and ranchers by clarifying that owners of agricultural and range land have no duty of care to keep the land safe for trespassers.

In addition, the measure eliminates the requirement that agricultural lands be fenced and display signs identifying the land as private property, for purposes of criminal trespass on agricultural lands. Further, the measure authorizes the imposition of a fine for criminal trespass on agricultural lands.

Your Committee received written comments in support of this measure from Russell S. Kokubun, Chairperson, Department of Agriculture; Gladys C. Baisa, Council Member, County Council, County of Maui; Janet Ashman, Hawaii Farm Bureau; and four concerned individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs; and Dave Arakawa, Executive Director, Land Use Research Foundation of Hawaii.


Your Committee finds that farmers and ranchers need to be protected from potential litigation arising from claims made by trespassers who injure themselves while using agricultural or range lands without permission.



Your Committee has amended this measure by 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 Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1079, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1079, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1079, SD1	JDL/AGL, WAM	2-25-11		
<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
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.				✓
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	13	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Iadani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes