

STAND. COM. REP. NO. 838

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 700
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 700, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE,"

begs leave to report as follows:

The purpose and intent of this measure is to require government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

Your Committee received testimony in support of this measure from eight individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources, State Fire Council, and three individuals.

Your Committee finds that with the numerous hiking trails available to the public throughout the State, there are certain areas that are home to vulnerable natural resources or pose safety concerns and consequently have been closed to the public. Despite this, your Committee finds that there are cases in which individuals and groups unlawfully enter trails that have been closed off to the public due to safety concerns, ultimately putting those individuals and groups at risk of significant injury and risking the damage of native habitats and other natural



resources. Your Committee further finds that those defying the law by entering into prohibited areas not only put themselves at risk, but create potentially difficult, dangerous, and expensive rescue operations. Your Committee additionally finds that, while those willfully disregarding the law and creating avoidable risks for themselves and others should be held accountable, this measure could have the unintended effect of disincentivizing individuals in distress from calling for assistance in situations in which it is necessary.

Accordingly, your Committee has amended this measure by inserting an effective date of May 6, 2137, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 700, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 700, S.D. 2.

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




KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 700 S01	PSM, JDC	02 / 24 / 2021		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	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