STAND. COM. REP. NO. 518 Honolulu, Hawaii **Feb 18**, 2011 RE: H.B. No. 548 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 548, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose of this bill is to protect owners or occupiers of private land by:

- (1) Holding authors or publishers of visitor-guide websites or publications who knowingly or negligently encourage or invite any person to enter or remain on private lands from which the public is excluded, civilly liable for any injury to or the death of the person; and
- (2) Requiring the authors or publishers to defend and indemnify the owner or occupier of the private land from any liability arising as a result of such injury or death.

The Hawaii Tourism Authority; Office of Economic Development of the County of Kauai; Hawaii Farm Bureau Federation; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; Maui Cattlemen's Association; PAHIO Development, Inc.; Kamehameha Schools, and a concerned individual supported this bill. The American Civil Liberties Union of Hawaii; Media Coalition; Wizard Publishing, Inc.; and several concerned individuals opposed this measure. The



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Department of Land and Natural Resources and Hawaii Association for Justice offered comments.

After careful consideration, your Committee has amended this bill by:

- Also holding authors or publishers of visitor-guide (1)websites or publications who knowingly or negligently encourage or invite any person to enter or remain on public lands from which the public is excluded, civilly liable for any injury to or the death of the person;
- (2)Also requiring the authors or publishers to defend and indemnify the owner or occupier of the public land from any liability arising as a result of such injury or death: and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

Your Committee respectfully requests the Committee on Judiciary to consider any constitutional issues that may be implicated in this bill.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 548, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.B. No. 548, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Water, Land, & Ocean Resources,

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## HSCR 518

State of Hawaii House of Representatives The Twenty-sixth Legislature

## Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: Committee Referral: Date:				
HB 648, HD TOU, WLO, JOD 214/1				
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul>				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	$\checkmark$		- 11	
				<u>.</u>
2. HAR, Sharon E. (VC)				
3. CABANILLA, Rida T.R.	$\checkmark$		<u>.</u>	
	, The second sec	<u> </u>		
4. CARROLL, Mele			i	$\checkmark$
5 CHONG Barr				
5. CHONG, Pono				
6. COFFMAN, Denny				
7. HERKES, Robert N.	$\checkmark$			
8. ITO, Ken				
9. MORITA, Hermina M.				
		1 1		
10. NAKASHIMA, Mark M.	$\checkmark$			
				: 
11. RIVIERE, Gil				
12. THIELEN, Cynthia				
TOTAL (12)	و			3
The recommendation is: A dopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				