

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of SUZANNE D. CASE Chairperson

Before the Senate Committee on JUDICIARY

Thursday, February 27, 2020
10:30 AM
State Capitol, Conference Room 016

In consideration of SENATE BILL 2759, SENATE DRAFT 1 RELATING TO TRAILS

Senate Bill 2759, Senate Draft 1 proposes to: 1) require government entities that engage in search and rescue operations to seek reimbursement when the rescued person required search and rescue efforts because that person acted in disregard of that person's safety, including intentionally disregarding a warning or notice; 2) increase the penalty for unlawfully entering or remaining on a trail that has been closed to the public; and 3) allow amendments to Section 184-5, Hawaii Revised Statutes (HRS), rules affecting fines. **The Department of Land and Natural Resources (Department) supports this measure with comments.**

The Department is in support of any strategy that will incentivize the general public to stay within authorized managed areas and already has statutory penalties for violation of laws and rules adopted specifically for going into closed areas.

The Department recommends retaining "may" versus "shall" in Section 137-2(a), HRS, on page 1, line 6, to allow for mitigating circumstances.

It should be noted that it is a county responsibility to engage in search and rescue activities and the Department defers to the Counties Fire and Rescue agencies in regard to the charging of people for rescue. While this may be an incentive for people to obey the rules, it could also discourage people from calling for help.

Statutes are currently in place addressing the rules identified in SECTION 2 of this bill. Because rules are currently in place, amendments should be determined by the Division managing the land base in which an infraction occurs.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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LAND
STATE PARKS

SB-2759-SD-1

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Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

Committee on Judiciary
SB2759, SD1
Date: Thursday, February 27, 2020
Time: 10:30 AM
Place: Conference Room 016
State Capitol
415 South Beretania Street

IN SUPPORT

My name is Melissa Mamea, and I am an MSW student at University of Hawaii at Manoa specializing in Behavioral Mental Health. I am testifying in favor of this bill. The purpose of this bill is to allow government entities that engage in rescuing individuals who knowingly disregarded their safety and warnings, to seek reimbursements for their efforts.

Hawaii taxpayers pay for expensive helicopter rescues, and the lives of first responders are put in danger. Involving helicopters in these rescues can go to about \$1,500 per hour. When the persons involved are not held accountable for their actions, all rescue efforts look like they were done in vain. There should be some kind of consequence to ensure these persons will think twice about their decision to travel on trails that are closed to the public. Having these penalties in place will prioritize safety. Thank you for the opportunity to testify.

Melissa Mamea
mmamea68@hawaii.edu