

Honolulu, Hawaii

Feb 16, 2011

RE: H.B. No. 1607
H.D. 1

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

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 1607 entitled:

"A BILL FOR AN ACT RELATING TO RANGE LAND LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to expand liability protections for ranchers in cases involving criminal trespass by:

- (1) Establishing that an owner of range land owes no duty of care to keep range land safe for entry or use by a trespasser or to warn of dangerous natural conditions, range activities, or uses to a trespasser;
- (2) Establishing a rebuttable presumption that an owner of range land is not liable to a trespasser for injury, loss, damage, or death occurring on range land; and
- (3) Establishing that an owner who allows recreational use of range land shall be entitled to the protections of Chapter 520, Hawaii Revised Statutes, relating to landowners' liability.

This bill also specifies that the provisions contained in this measure shall not limit the liability of an owner who is grossly negligent, willfully or wantonly disregards the safety of a trespasser, or intentionally causes injury, damage, or death to a trespasser.



The Department of Agriculture, Hawaii Cattlemen's Council, Inc., Land Use Research Foundation of Hawaii, Dole Food Company Hawaii, and a concerned individual supported this bill. The Hawaii Farm Bureau Federation supported the intent of this bill. A concerned individual opposed this measure. The Hawaii Association for Justice and Maui Cattlemen's Association submitted comments.

Your Committee recognizes the need to address the serious concerns raised by ranchers regarding their liability to trespassers who illegally enter ranch lands and become injured. However, your Committee is also aware of the potential for unintended consequences of expanding liability protections provided for in this bill, and must act judiciously. Your Committee intends to continue to address this matter as this bill moves forward in the legislative process.

Therefore, your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1607, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1607, H.D. 1, and be referred to the Committee on Judiciary.

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



CLIFT TSUJI, Chair



