

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



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

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

- (1) Also holding authors or publishers of visitor-guide 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,



JERRY L. CHANG, Chair



