

STAND. COM. REP. NO.

2519

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2802

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2802 entitled:

"A BILL FOR AN ACT RELATING TO HUNTING ON PRIVATE LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to require persons who wish to access private land for hunting to first obtain written permission from the land owner or occupier.

Your Committee received testimony in support of this measure from the Department of Agriculture and Hawai'i Farm Bureau. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs and three individuals. Your Committee received comments on this measure from the Hawaii Hunting Association.

Your Committee finds that existing law is inadequate to deter persons with firearms or other weapons from trespassing on lands and potentially causing bodily injury to others, or damage to property, livestock, and crops. These trespassing occurrences have been especially egregious on farms and ranches. This measure will help to mitigate safety and vandalism concerns.

Your Committee notes the concerns raised in testimony submitted by the Office of Hawaiian Affairs that this measure may prevent Native Hawaiians from engaging in their protected traditional and customary gathering constitutional rights.



Accordingly, your Committee has amended this measure by:

- (1) Revising the purpose section for conciseness;
- (2) Allowing written permission to include an expression of permission conveyed and stored by electronic means;
- (3) Adopting the language suggested by the Office of Hawaiian Affairs to require that nothing in this measure shall be construed to infringe on the traditional and customary rights set forth in article XII, section 7, of the Hawaii State Constitution;
- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2802, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2802, S.D. 1.

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




GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2802	WLA, JDL	2/25/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.				/
SLOM, Sam	/			
<b>TOTAL</b>	4			3
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