

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of SUZANNE D. CASE Chairperson

Before the Senate Committees on WATER AND LAND and PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Wednesday, February 5, 2020
1:30 PM
State Capitol, Conference Room 229

In consideration of SENATE BILL 2759 RELATING TO TRAILS

Senate Bill 2759 proposes to 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. The proposal increases the penalty for unlawfully entering or remaining on a trail that has been closed to the public. **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. While these penalties are in place, absent enforcement and citations, they are clearly not a deterrent.

It should be noted that it is a county responsibility to engage in search and rescue activities and the Department defers to the County Fire and Rescue agencies regarding 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.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
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LATE

February 4, 2020

TO: The Honorable Kaiali'i Kahele, Chair
House Committee on Water and Land
The Honorable Clarence Nishihara, Chair
House Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Tamara Paltin, Councilmember for West Maui
Maui County Council

SUBJECT: **HEARING OF FEBRUARY 5, 2020; COMMENTS ON SB 2759,
RELATING TO TRAILS**

Thank you for the opportunity to offer **comments** on this important measure. The purpose of this bill requires 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. This bill also increases the penalty for unlawfully entering or remaining on a trail that has been closed to the public.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this support in my capacity as an individual member of the Maui County Council.

Recognizing, as a former first responder and current councilmember, the monetary costs incurred by search and rescue attempts, I understand the intent of this measure. I agree that costs should be reimbursed when individuals knowingly disregard posted warnings, thereby taxing our rescue resources, and that the reimbursement may be used as a deterrent.

However, it may also create unintended consequences that could lead to more cost and greater utilization of rescue resources when individuals wait too long to call for fear of financial retribution. In order for this bill to have weight, further enforcement of off-limit hiking trails, signage regarding dangerous paths, and increased public education should be implemented with the highest priority.

Thank you, once again, for the opportunity to testify and for your consideration.

SB-2759

Submitted on: 2/1/2020 5:07:07 PM

Testimony for WTL on 2/5/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments:

Yes, people should be asked to pay.

SB-2759

Submitted on: 2/1/2020 7:49:27 PM

Testimony for WTL on 2/5/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

People take unnecessary risk without thinking of the consequences and hopefully this bill will cause them to rethink taking risky trails.