

**TESTIMONY**

**SB 2522**

**LATE**

LINDA LINGLE  
Governor



SANDRA LEE KUNIMOTO  
Chairperson, Board of Agriculture

DUANE K. OKAMOTO  
Deputy to the Chairperson

# LATE TESTIMONY

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 Fax: (808) 973-9613

## TESTIMONY OF SANDRA LEE KUNIMOTO CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON  
WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

FRIDAY, FEBRUARY 5, 2010  
2:45 P.M.  
ROOM 229

SENATE BILL NO. 2522  
RELATING TO LANDOWNER LIABILITY

Chairperson Hee and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2522. The purpose of this bill is to establish that landowners have no duty of care to trespassers and no presumption of liability if the land is posted with signs. The department strongly supports this bill.

The Department manages several irrigation systems that span many miles. In most cases, these systems are in extremely remote but beautiful natural areas that hikers and nature enthusiasts tend to seek out. The department does not possess the manpower necessary to secure the vast area that these systems cover. The department spent thousands of dollars on "No Trespassing" signs; however, these warnings continue to go unheeded. Incidents involving injury have happened in the past leading to millions of dollars in settlement money and our personnel continue to see people on these non-public trails in spite of repeated warnings to leave. It is also important to recognize that our employees have NO enforcement power to escort trespassers off of State land. This bill seems to remove the State's liability as long as reasonable precautions and warnings are given. Once again the department strongly supports this bill.

# LATE TESTIMONY

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2010 3:44 PM  
**To:** WTLTestimony  
**Cc:** mauicrowe@mailshack.com  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: James Crowe  
Organization: Individual  
Address: 30 Alanui Pl Kula Hawaii  
Phone: 808 876 1975  
E-mail: [mauicrowe@mailshack.com](mailto:mauicrowe@mailshack.com)  
Submitted on: 2/4/2010

**Comments:**

Ranch lands are very valuable assets to Maui. Ranch lands need to be protected. Violence or protracted legal battles need to be eliminated so that ranchers can concentrate on administrating their ranches.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2010 5:14 PM  
**To:** WTLTestimony  
**Cc:** ebahar@mac.com  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

## LATE TESTIMONY

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Emily Bahar  
Organization: Individual  
Address:  
Phone:  
E-mail: [ebahar@mac.com](mailto:ebahar@mac.com)  
Submitted on: 2/4/2010

Comments:

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2010 8:43 PM  
**To:** WTLTestimony  
**Cc:** ourlittlesecret@hawaiiantel.net  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

**LATE TESTIMONY**

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Kathryn Maberry  
Organization: Individual  
Address: Kaupea St Makawao, HI  
Phone: 8085720242  
E-mail: [ourlittlesecret@hawaiiantel.net](mailto:ourlittlesecret@hawaiiantel.net)  
Submitted on: 2/4/2010

**Comments:**

Please support this bill and remove the propensity for frivolous litigation in these matters

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2010 9:26 PM  
**To:** WTLTestimony  
**Cc:** kaufman@maui.net  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

**LATE TESTIMONY**

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Alan Kaufman, DVM  
Organization: Individual  
Address: 458 Naalae Rd Kula  
Phone: 808 870 9861  
E-mail: [kaufman@maui.net](mailto:kaufman@maui.net)  
Submitted on: 2/4/2010

**Comments:**

I strongly support this bill. The signage provision needs modification (a requirement for fewer signs) to make it workable for large properties.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 05, 2010 6:43 AM  
**To:** WTLTestimony  
**Cc:** persis@ahuradesigns.com  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

## LATE TESTIMONY

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: persis hataria  
Organization: Individual  
Address: 255 Pauwela Road Haiku, HI 96708  
Phone: 8085759249  
E-mail: [persis@ahuradesigns.com](mailto:persis@ahuradesigns.com)  
Submitted on: 2/5/2010

Comments:



KAMEHAMEHA SCHOOLS

WRITTEN TESTIMONY TO THE SENATE COMMITTEE ON WATER, LAND, AGRICULTURE,  
AND HAWAIIAN AFFAIRS

By

Dana Sato, Senior Counsel  
Legal/Endowment Legal Division

February 05, 2010

Dear Chair Hee and Vice Chair Tokuda;

**Testimony in Support of Senate Bill No. 2522 - Relating to  
Landowner Liability.**

I am Dana Sato, Senior Counsel, Endowment Legal Division, submitting this written testimony on behalf of Kamehameha Schools in support of HB 2522. Landowners are continually struggling with trespassers that have no legal right to be on their property. S.B. 2522 clarifies that there is no duty owed by landowners to trespassers, when required signage is displayed on the lands. This bill provides an excellent framework for landowners to work within to protect their property.

Thank you for the opportunity to express our views on this matter.



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 05, 2010 10:02 AM  
**To:** WTLTestimony  
**Cc:** ronmaui03@gmail.com  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

WTL TESTIMONY

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ron Montgomery  
Organization: Kula Community Association  
Address: 68 Ka Drive Kula, HI  
Phone: 808 2839079  
E-mail: [ronmaui03@gmail.com](mailto:ronmaui03@gmail.com)  
Submitted on: 2/5/2010

Comments:

f

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 05, 2010 10:45 AM  
**To:** WTLTestimony  
**Cc:** e.rezents@hawaiiantel.net  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

**LATE TESTIMONY**

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ernewst H. Rezens  
Organization: Individual  
Address: 808 Makawao Ave. Makawao, HI 96768-8936  
Phone: (808)572-8663  
E-mail: [e.rezents@hawaiiantel.net](mailto:e.rezents@hawaiiantel.net)  
Submitted on: 2/5/2010

**Comments:**

I am in favor of this bill because I should not be legally liable for a trespass person. They are violating my property ownership.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 05, 2010 11:37 AM  
**To:** WTLTestimony  
**Cc:** steveg0606@yahoo.com  
**Subject:** Testimony for SB2522 on 2/5/2010 2:45:00 PM

## LATE TESTIMONY

Testimony for WTL 2/5/2010 2:45:00 PM SB2522

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: steve grimes  
Organization: Individual  
Address:  
Phone:  
E-mail: [stevveg0606@yahoo.com](mailto:stevveg0606@yahoo.com)  
Submitted on: 2/5/2010

Comments:  
I strongly support this bill!

**TESTIMONY**

**SB 2522**

**LATE**

**(END)**