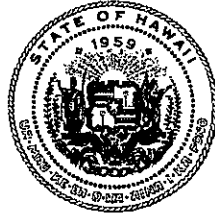
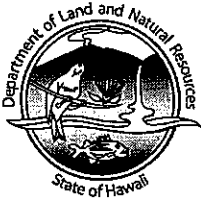


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
JUDICIARY**

**Tuesday, February 21, 2012
2:00 PM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1950, HOUSE DRAFT 1
RELATING TO HUNTING**

House Bill 1950, House Draft 1 proposes to restrict the possession and use of firearms to persons engaged in hunting in formally established hunting areas which are defined as state public hunting areas, and private lands where the landowner has given written permission. The purpose of the bill is to address problems related to illegal trespass, vandalism and unauthorized use of firearms on private lands that creates safety risks and causes damage to property, crops, and livestock. The Department of Land and Natural Resources (Department) appreciates the intent of this bill to help reduce lawless behavior on private ranch and farmland, but oppose the measure as written because it establishes definitions that are confusing and difficult to enforce.

The Department opposes the change in Sections 134-23, 24, 25, and 27, Hawaii Revised Statutes (HRS), to define "formal hunting areas". These provisions are confusing and may prohibit the carrying and use of firearms by government agencies and private partners charged with natural resource management and public safety mandates on state lands that are not "formal hunting areas". The use of firearms for the control of invasive species and predators on state lands not open to hunting because of location or size is a routine part of management. This measure would also make a hunter who wanders onto private property (marked or unmarked) without written permission, subject to a felony firearms offense.

The problem that this bill is trying to address is one of trespass and hunting on private property without permission. The Department supports a change in §183D-26, HRS, that requires showing proof of "written permission" to hunt on private land. The Department further believes a more effective change would be amending the criminal trespass statutes, "§708-813 Criminal trespass in the first degree" to make trespass an easier offense to enforce. This would enable a greater response from the county police departments, who have far greater resources to assist private landowners with trespass than does the Department's Division of Conservation and

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Resources Enforcement (DOCARE). DOCARE is already stretched to the limits with enforcement on State lands and does not have the resources to cover private lands.

The Department supports measures to increase enforceability of trespass laws on private land, including hunting without permission, but urges an approach that does not deter the thousands of legal and courteous hunters that do follow the rules from participating, or hinder the ability of agencies and partners to carry out their statutory mandates to protect natural resources.

The Department suggests the measure be revised with the following amendments to §183D-26 and §708-813:

1. Amend Section 183D-26 to read as follows:

"§183D-26 Hunting on private lands prohibited. ~~[(a)]~~ No person shall enter upon any land or premises belonging to, held, or occupied by another, for the purpose of hunting or to take any kind of wildlife including game without first having obtained written permission from the owner or a duly appointed agent, if the owner is the occupier or holder, or if the owner has let another occupy or hold the same, without having first obtained the permission of the occupier or holder thereof, or the duly appointed agent of the occupier or holder.

~~[(b) No prosecution shall be brought under this section, except upon the sworn complaint of the owner, occupier, or holder of the land or premises, or a duly appointed agent, or if the owner, occupier, or holder is either a corporation or a partnership, then the complaint shall be sworn to by an officer of the corporation or by one of the members of the partnership.]"~~

2. Amend Section 708-813 to read as follows:

"§708-813 Criminal trespass in the first degree. (1) A person commits the offense of criminal trespass in the first degree if:

- (a) That person knowingly enters or remains unlawfully:
 - (i) In a dwelling; or
 - (ii) In or upon the premises of a hotel or apartment building;
 - (b) That person:
 - (i) Knowingly enters or remains unlawfully in or upon premises ~~[that are fenced or enclosed in a manner designed to exclude intruders]~~; and
 - (ii) Is in possession of a firearm, as defined in section 134-1, at the time of the intrusion;
[or]
 - (c) That person enters or remains unlawfully on private property at night while in the possession of a firearm, as defined in section 134-1; or
- ~~[(e)]~~ (d) That person enters or remains unlawfully in or upon the premises of any public school as defined in section 302A-101, or any private school, after reasonable warning or request to leave by school authorities or a police officer; provided however, such warning or request to leave shall be unnecessary between 10:00 p.m. and 5:00 a.m.
- (2) Criminal trespass in the first degree is a misdemeanor. "



HB1950 HD1
RELATING TO FIREARMS
House Committee on Judiciary

February 21, 2012

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1950 HD1, which would require written permission from owners of privately owned land to allow persons with valid hunting licenses to hunt on the privately owned land.

Many Native Hawaiians currently practice hunting for subsistence and other purposes as a traditional and customary practice. The Hawai'i Constitution, Supreme Court, and this Legislature consistently protect the perpetuation of these historic practices as a living component of the Hawaiian Culture. Requiring Native Hawaiian practitioners to obtain written permission from private landowners prior to engaging in these practices would unduly burden the practices and, in some areas, could regulate them out of existence.

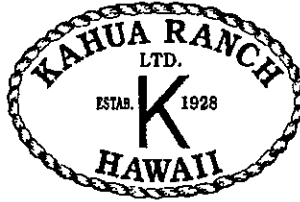
Hunting remains an important cultural and subsistence practice for many Native Hawaiians in rural regions. For example, a report issued by the Governor's Moloka'i Subsistence Task Force found that Hawaiian families on Moloka'i continue to rely heavily upon subsistence to supplement meager incomes, deriving 38% of their food from these activities. These practices rely primarily upon wildlife game that is abundant on privately owned land because the game on public lands is too scarce to be hunted. This report revealed that subsistence activities, including hunting, were also critical to the persistence of Hawaiian cultural customs and values.

OHA appreciates the desire to protect property rights and ensure the safety of all citizens of Hawai'i. However, HB1950 HD1 reaches too broadly by requiring prior permission from private landowners. Such requirements do not consider the difficulty most will find in attempting to obtain such permission. Much of Hawai'i's land is owned by large landowner corporations whose offices may exist on a different island from the land in question, and most landowners—even if they know hunting currently takes place on their land—would not open themselves to the liability inherent in conferring written permission for hunters to bear and use firearms on their properties.

Additionally, this bill presents many practical concerns for practitioners on the ground. The boundaries between public and private property in forested and undeveloped areas are rarely clearly marked. Also, although the Constitution broadly

protects these activities , practitioners in the field could still experience a chilling effect, as they could not be assured that agents enforcing this law properly understood the complex legal authority protecting their practices. Moreover, HB1950 HD1 places the burden upon Native Hawaiian practitioners to legally defend themselves and their lawful actions.

In light of all these concerns, OHA urges the committee to HOLD HB1950 HD1. Mahalo for the opportunity to testify on this important measure.



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Kamuela, Hawaii 96743
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(808) 882-4444 Fax

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Friday February 10, 2012 9:45 am Room 325

HB 1950 RELATING TO FIREARMS

Chair Chang, Vice Chair Har and Members of the Committee:

My name is Herbert M. "Tim" Richards III, DVM; known to most as "Tim". I am a rancher, livestock veterinarian, and President for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% or 1 million acres of the State's total 4 million acres.

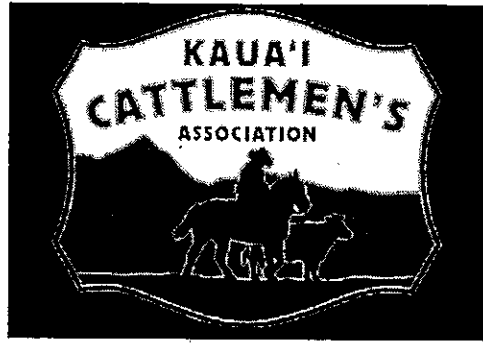
As a rancher and land manager I **strongly support HB 1950.**

As you can well imagine, it is bad enough for landowners to have trespassers (by definition: without permission) on their property, but when trespassers carry firearms we are extremely concerned. Approaching trespassers with guns discourages the bravest of us.

Many Hawaii ranchers already allow hunters on their property, and some have worked with a permission system. Hunters who ask permission often help us take care of feral pig populations, close gates behind them, and let us know when our water troughs are overflowing, or a gate has been cut. Hunters who do not seek permission are by definition not respectful of our property, and often times cut fences (allowing cattle out onto the road, a great danger to the public), leave gates open and destroy private property. The hunters who ask permission are often the ones who help us keep out the ones who don't.

The bill as written will certainly have many folks "up in arms" and some of the language may need tweaking, but we really do feel that something must be done to prevent folks from coming onto private property with guns, without permission. Of course, if asked, any trespasser I have ever met says "the tall guy said I can hunt here" so requiring written permission from the landowner or land manager takes away that lie, and allows the police to verify that the person really does have permission.

Thank you for giving me the opportunity to testify in favor of this very important issue.



HOUSE COMMITTEE ON JUDICIARY

Tuesday February 21, 2012 2:00 p.m. Room 325

HB 1950 HD 1 RELATING TO FIREARMS

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

My name is Karin Carswell Guest and I am owner and operator of Princeville Ranch on Kaua'i and hold the position of secretary/treasurer for The Kauai Cattlemen's Association. Our Association presently has 25 members and we are part of the Hawaii Cattlemen's Council.

Kauai Cattlemen's Association strongly supports HB 1950 HD1.

Hunting on private property without permission has been an issue for many of us cattlemen for years and years. When trespassers carry firearms we are extremely concerned for our personal safety as well as the safety of our livestock. Asking these trespassers to leave can be a very daunting task.

Many ranchers allow hunters on their property to help take care of the feral pig population. These hunters are respectful and considerate to the operation and help police the area. They close gates behind them, let us know if any animals are in trouble, and help us in emergency situations.

Hunters who hunt without permission are not respectful of our property and often times cut fences, destroy private property, and have been known to shoot or harm our livestock, creating huge economical losses for us. Many ranchers have pastures in different areas on the island and will come across illegal hunters that tell you they have permission from "uncle so and so" and will send you on a wild goose chase. Having written permission will give clarity and certainty when approaching them. If they do not have written permission, the rancher will then have the right to take appropriate action and press charges.

I humbly ask that you support HB1950. Thank you for giving me the opportunity to testify in favor of this very important issue.

Testimony for HB1950 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 19, 2012 10:11 PM

To: JUDtestimony

Cc: jacinthow001@hawaii.rr.com

Testimony for JUD 2/21/2012 2:00:00 PM HB1950

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: William Jacintho

Organization: Maui Cattlemen's Association

E-mail: jacinthow001@hawaii.rr.com

Submitted on: 2/19/2012

Comments:



Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743

Phone (808) 885-5599 • Fax (808) 887-1607

e-mail: HCattlemens@hawaii.rr.com

HOUSE COMMITTEE ON JUDICIARY

Tuesday February 21, 2012 2:00 p.m. Room 325

HB 1950 HD 1 RELATING TO FIREARMS

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chair for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports HB 1950 HD1.**

As you can well imagine, it is bad enough for landowners to have trespassers (by definition: without permission) on their property, but when trespassers carry firearms we are extremely concerned. Folks with guns often discourages the bravest of us from approaching these trespassers and asking them to leave.

Many Hawaii ranchers already allow hunters on their property, and some have worked with a permission system. Hunters who ask permission often help us take care of feral pig populations, close gates behind them, and let us know when our water troughs are overflowing, or a gate has been cut. Hunters who do not seek permission are by definition not respectful of our property, and often times cut fences (allowing cattle out onto the road, a great danger to the public), leave gates open and destroy private property. The hunters who ask permission are often the ones who help us keep out the ones who don't.

The bill as written will certainly have many folks "up in arms" and some of the language may need tweaking, but we really do feel that something must be done to prevent folks from coming onto private property with guns, without permission. Of course, if asked, any trespasser I have ever met says "the tall guy said I can hunt here" so requiring written permission from the landowner or land manager takes away that lie, and allows the police to verify that the person really does have permission.

Thank you for giving me the opportunity to testify in favor of this very important issue.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

FEBRUARY 21, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY

TESTIMONY ON HB 1950 HD1
RELATING TO FIREARMS

Room 325
2:00 PM

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

I am Janet Ashman, testifying on behalf of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFBF strongly supports HB 1950 HD1, a much-needed bill that will clarify for everyone the confusion relating to trespassing on private property with a firearm.

This bill is not about the right to hunt and it's not about the right to bear arms. Many of our members are hunters themselves and own and use guns. They are not against hunting or hunters.

This bill is about CRIMINAL TRESPASS.

It is about people who come onto others' property with deadly weapons, most often in the middle of the night. Although the current law already requires hunters to get landowner permission, it is not working. When trespassers are caught, *if* they're caught, they claim to have permission. To add insult to injury, under HRS §183D-26, police officers can't even enforce the law unless the landowner files a sworn complaint against the trespasser.

The burden should not be on the rancher or farmer to prove that he did not give permission to a gun-wielding trespasser to use his property.

The bill would require people who legitimately want to hunt on private property; our ranches and farms, to get written permission from the farmers and ranchers that take care of that land. Current law (HRS §183D-26) already requires a hunter to obtain permission from the owner or agent of private land.

Hunters are already required to carry their hunting licenses with them while hunting (HRS §183D-25), so carrying an additional slip of paper should not be too burdensome.

This current scenario is just too dangerous for all parties; the farmer or rancher doesn't know what the trespassers are doing on his property---are they legitimately hunting or are they drinking and looking for trouble--- to hurt the rancher or his family, slaughter his livestock, or steal his equipment or crops? These illegal activities are becoming rampant throughout the islands and we need the clarity in the law, the tools to put a stop to them.

This measure would provide a bright line for farmers and ranchers and for law enforcement to better enforce the current laws that already prohibit trespass, that prohibit hunting on private property without permission, that prohibit hunting at night.

Members of the law enforcement community asked us for help in changing the laws after they became frustrated trying to enforce the current laws. They told us that their hands are tied because of the confusing wording of the many statutes that apply to these situations.

Since the bill was introduced, we have been working with DLNR on amendments to ensure that legitimate hunters, including those working with DLNR, would not be negatively impacted by this measure. We respectfully request several amendments to the bill to clear up confusion and we have attached a proposed HD2 to accomplish this.

Thank you very much for your support of Hawaii's farmers and ranchers. I am available at (808) 848-2074.

Testimony for HB1950 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 11:45 PM
To: JUDtestimony
Cc: ashman.janet@gmail.com
Attachments: HB1950 proposed HD2 firear~1.doc (67 KB)

Testimony for JUD 2/21/2012 2:00:00 PM HB1950

Conference room: 325
Testifier position: Support
Testifier will be present: Yes
Submitted by: Janet Ashman
Organization: Hawaii Farm Bureau Federation
E-mail: ashman.janet@gmail.com
Submitted on: 2/20/2012

Comments:

Third attempt...proposed amendments to HB 1950 HD1 attached. Please file with our testimony submitted earlier. Thank you.

A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that existing provisions in the law are inadequate to deter persons with firearms from trespassing on lands and causing bodily injury to others or damage to property, livestock, and crops. These occurrences have been especially egregious on farms and ranches where valuable livestock has been stolen, maimed, and slaughtered, ranchers have been threatened, and criminals have made a mockery of the legal system.

Current law already requires hunters to obtain permission from private landowners before entering private property but clarification in the law is necessary to enable law enforcement officials to effectively enforce the provision. The purpose of this Act is to require those who wish to access private land for hunting or other legitimate purposes to obtain written permission from the landowner. The Act will also clarify that trespassing on private property at night while wielding a firearm is a misdemeanor.

SECTION 2. Section 134-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Any person of the age of sixteen years, or over or any person under the age of sixteen years while accompanied by an adult, may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaged in hunting or target shooting or while going to and from the place of hunting or target shooting; provided that the person has procured a hunting license under chapter 183D, part II[.] and has obtained written permission from the landowner of the privately owned land to hunt on that land. A hunting license shall not be required for persons engaged in target shooting."

2. By amending subsection (c) to read:

"(c) A person may carry unconcealed and use a lawfully acquired pistol or revolver while actually engaged in hunting game mammals, if that pistol or revolver and its suitable ammunition are acceptable for hunting by rules adopted pursuant to section 183D-3 and if that person is licensed pursuant to part II of chapter 183D[.] and has obtained written permission from the landowner of the privately owned land to hunt on that land. The pistol or revolver may be transported in an enclosed container, as defined in section 134-25 in the course of going to and from the place of the hunt, notwithstanding section 134-26."

SECTION 3. Section 183D-21, Hawaii Revised Statutes, is amended as follows:

§183D-21 Hunting licenses required. No person shall hunt, pursue, kill, or take any game bird or mammal without first procuring a hunting license, and, if hunting on private land, written permission from the landowner; provided that section 183D-32 to the contrary notwithstanding, no license shall be required of persons who may be authorized in writing by the board to destroy game birds or game mammals injurious to forest growth or agriculture, or that constitute a nuisance or a health hazard.

SECTION 4. Section 183D-25, Hawaii Revised Statutes, is amended as follows:

§183D-25 Licenses, written permission; display thereof.

No person to whom a hunting license has been issued shall permit any other person to carry, display, or use the license in any way. Every person to whom a hunting license has been issued and every person to whom written permission to hunt on private land has been granted shall physically possess the license and written permission when hunting and shall show the license and written permission upon the demand of any officer authorized to enforce the game laws of the State. No person, upon the request of an officer, shall refuse to show the license or written permission or withhold permission to inspect the person's game bag, container, hunting coat or jacket, or carrier, or vehicle of any kind where game might be concealed.

SECTION 5. Section 183D-26, Hawaii Revised Statutes, is amended as follows:

"(a) No person shall enter upon any land or premises belonging to, held, or occupied by another, for the purpose of hunting or to take any kind of wildlife including game without first having obtained written permission from the owner or a duly appointed agent, if the owner is the occupier or holder, or if the owner has let another occupy or hold the same, without having first obtained the permission of the occupier or holder thereof, or the duly appointed agent of the occupier or holder.

~~[(b) No prosecution shall be brought under this section, except upon the sworn complaint of the owner, occupier, or holder of the land or premises, or a duly appointed agent, or if the owner, occupier, or holder is either a corporation or a partnership, then the complaint shall be sworn to by an officer of the corporation or by one of the members of the partnership.]~~

SECTION 6. Section 708-813, Hawaii Revised Statutes, is amended as follows:

§708-813 Criminal trespass in the first degree. (1) A person commits the offense of criminal trespass in the first degree if:

(a) That person knowingly enters or remains unlawfully:

(i) In a dwelling; or

(ii) In or upon the premises of a hotel or apartment building;

(b) That person:

(i) Knowingly enters or remains unlawfully in or upon premises [~~that are fenced or enclosed in a manner designed to exclude intruders~~]; and

(ii) Is in possession of a firearm, as defined in section 134-1, at the time of the intrusion; or

(c) That person:

(i) Enters or remains unlawfully on private property at night; and

(ii) Is in possession of a firearm, as defined in section 134-1, at the time of the intrusion; or

(d) That person enters or remains unlawfully in or upon the premises of any public school as defined in section 302A-101, or any private school, after reasonable warning or request to leave by school authorities or a police officer; provided however, such warning or request to leave shall be unnecessary between 10:00 p.m. and 5:00 a.m.

(2) Criminal trespass in the first degree is a misdemeanor.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2012.

INTRODUCED BY: _____

Report Title:

Agriculture; Hunting

Description:

Restricts hunting to areas on public land where hunting is permitted or to areas on private land where the landowner has granted written permission. Effective July 1, 2012.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 19, 2012

Testimony on HB 1950, HD1 IN OPPOSITION

Before: JUD Tuesday Feb 21, 2012, 2pm, Rm 325

Hon. Chair, Co-Chair, Members,

HRA opposes this bill. We could support it if the proposed penalty was reduced from a felony to a misdemeanor and the requirements under the trespass statute §708-814 for posting boundaries are met by the landowner. We empathize with landowners and their frustration over the rampant poaching and agricultural theft throughout our state. We strongly believe that ethical hunters must always obtain landowner permission. Unfortunately, this bill cannot achieve its purpose given the current level of enforcement and the pervasive public sentiment that poaching is acceptable. It might well discourage landowners from giving hunters permission.

We also propose an amendment requiring the landowner to keep a record of the hunting license number of permittees, available to enforcement officers.

DLNR's Hawaii State Comprehensive Recreation Plan (SCORP) update of 2008 reports 18,000 hunters hunted an average of 23 days in 2006, the latest year reported. However, only about 10,000 hunters buy a license each year. Not just the revenues from license sales are lost. Pittman-Robertson funds (from a federal excise tax on guns, ammunition, and archery equipment) are distributed among the states according to the number of hunting licenses sold each year. The monies must be used to support wildlife areas and resources and hunter education. We lose our fair share because a large portion of HI hunters don't buy a license. Each Hawaii hunting license number starts with the year of issue, so the number itself establishes a current license. Licenses expire each July 1.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Maxwell Cooper

225-6944



Testimony for HB1950 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 10:29 AM

To: JUDtestimony

Cc: diamondbranchhi@aol.com

Testimony for JUD 2/21/2012 2:00:00 PM HB1950

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Brendan Balthazar
Organization: Maui Cattlemens Assn.
E-mail: diamondbranchhi@aol.com
Submitted on: 2/20/2012

Comments:

We are not only worried about our live stock getting shot as has happened in the past. There is a definite concern to our ranch personnel if they should confront these people. If they have or say they have permission then getting it in writing will confirm.



Testimony for HB1950 on 2/21/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 20, 2012 9:41 AM

To: JUDtestimony

Cc: kaimiunger@gmail.com

Testimony for JUD 2/21/2012 2:00:00 PM HB1950

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Keith F. Unger

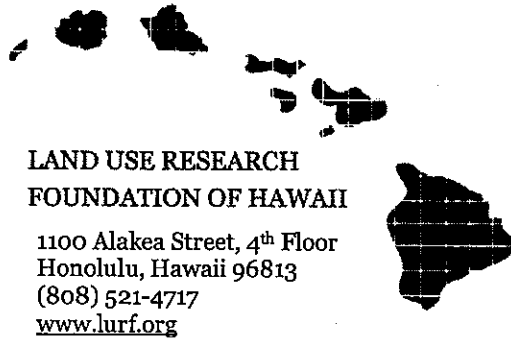
Organization: McCandless Ranch

E-mail: kaimiunger@gmail.com

Submitted on: 2/20/2012

Comments:

My name is Keith F. Unger and I manage McCandless Ranch in South Kona, Hawaii. I strongly support HB 1950. While I understand this is a work in progress, any legislative attempt to outlaw trespassers carrying firearms on private property will be a huge safety and liability relieve for the private landowner, the ranching community and the legitimate guests of these areas.



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, 4th Floor
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 17, 2012

Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
Committee on the Judiciary

Support of HB 1950, H.D. 1, Relating to Hunting. (Restricts hunting to areas on public land where hunting is permitted or to areas on private land where the landowner has granted written permission. Allows transport and possession of firearms and ammunition in areas where hunting is permitted. Requires hunters to obtain written permission from landowners to hunt on private lands.)

Tuesday, February 21, 2012, 2:00 p.m., in CR 325

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

We appreciate the opportunity to provide our testimony **in support of HB 1950, H.D. 1, and to offer comments.**

HB 1950, H.D. 1. The purpose of this bill is to require those who wish to access private land for hunting or other legitimate purposes to obtain written permission from the landowner. The measure also allows the transport and possession of firearms and ammunition in areas where hunting is permitted.

LURF's Position. LURF members include private property owners, farmers and ranchers who own, occupy, and maintain private property, and who consider such land resources critical to their well-being, to conduct their operations, and to sustain their businesses. This bill is an attempt to strengthen existing laws which inadequately protect these owners and occupiers of private land from bodily injury and damage to property, livestock and crops as a result of entry onto private property by trespassers engaged in hunting with firearms.

Owners of land, particularly unimproved and unused lands, including farmers and ranchers, have continually experienced problems with trespass by hunters, as well as damage and injury caused by these trespassers, yet have had no recourse against them, and have in fact been defenseless against claims by such trespassers for incidents and injuries suffered on their own private lands, despite the trespassers' illegal entry.

LURF believes that requiring those who wish to access private land for hunting or other legitimate purposes to obtain written permission from the landowner is the very least that should be done to address the ongoing concerns of, and peril to property owners relating to trespass. It would be well if steps were also taken to enforce the proposed law, as well as to enact further measures to more vigorously deter illegal entry onto private property.

Based on the above, LURF is in **support of HB 1950, H.D. 1**, and respectfully urges your favorable consideration.

Thank you for the opportunity to present testimony regarding this matter.