

TESTIMONY

January 31, 2011

Submitted via email: <http://www.capitol.hawaii.gov/emailtestimony>

FROM: Kauai Cattlemen's Association

TO: HOUSE COMMITTEE ON AGRICULTURE
Rep. Clift Tsuji, Chair
Rep. Mark J. Hashem, Vice Chair

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RES.
Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

HEARING DATE: Wednesday, February 2, 2011

HEARING TIME: 8:00am, Conference Room 312

MEASURE #: HB 226 RELATING TO LAND OWNER LIABILITY

The Kauai Cattlemen's Association is a non-profit organization representing small and large Livestock producers in KauaiCounty.

We **SUPPORT HB 226 RELATING TO LAND OWNER LIABILITY.**

We strongly feel that an owner or possessor of private land that is closed to the public owes no duty of care to a person who commits the offense of criminal trespass on the owner's or occupier's land.

We humbly ask that you consider this bill for the economic viability of ranchers and other agricultural entities in the state of Hawaii.

Sincerely,

Karin Carswell Guest
Executive Board Member
Kauai Cattlemen's Association

Kathy Kato

From: WLOtestimony
Sent: Wednesday, February 02, 2011 7:08 AM
To: AGRtestimony
Subject: FW: Testimony for HB226 on 2/2/2011 8:00:00 AM

From: mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]
Sent: Wednesday, February 02, 2011 6:24 AM
To: WLOtestimony
Cc: fujitanid002@Hawaii.rr.com
Subject: Testimony for HB226 on 2/2/2011 8:00:00 AM

Testimony for WLO/AGR 2/2/2011 8:00:00 AM HB226

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Donald S. Fujitani
Organization: Individual
Address: 585 W. Kiosks Rd. Haiku, HI 96708
Phone: 808 575 9932
E-mail: fujitanid002@Hawaii.rr.com
Submitted on: 2/2/2011

Comments:

Scofflaws have run amok in Maui and AG property owners must be protected from their misdeeds.



HALEAKALA RANCH
• EST. MAUI 1888 •

February 1, 2011

HOUSE COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Mark J. Hashem, Vice Chair

HOUSE COMMITTEE ON WATER, LAND & OCEAN RES.

Rep. Jerry L. Chang, Chair

Rep. Sharon E. Har, Vice Chair

Hearing Date: Wednesday, February 2, 2011
Hearing Time: 8:00am, Conference Room 312
Measure: HB 226 Relating to Land Owner Liability

Ladies and Gentlemen:

Haleakala Ranch Company strongly supports HB 226 relating to land owner liability.

Haleakala Ranch Company is a family-owned Company that has been in the ranching business on Maui for over 100 years. The Company owns approximately 30,000 acres of land on Maui and is very concerned about the significant risk of lawsuits resulting from unlawful trespass.

We believe HB 226 provides much needed liability protection for landowners.

We strongly support HB 226 and appreciate the opportunity to provide our testimony on this House Bill.

Sincerely,

Don Young
President & CEO

hashem2 - Dorothy

From: WLOtestimony
Sent: Wednesday, February 02, 2011 6:06 AM
To: AGRtestimony
Subject: FW: Testimony for HB226 on 2/2/2011 8:00:00 AM

From: mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 01, 2011 11:46 PM
To: WLOtestimony
Cc: hbowman@hawaii.rr.com
Subject: Testimony for HB226 on 2/2/2011 8:00:00 AM

Testimony for WLO/AGR 2/2/2011 8:00:00 AM HB226

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Helen Louise Bowman
Organization: Individual
Address: 1421 West Kuiaha Road Haiku, HI 96708
Phone: 808-575-2977
E-mail: hbowman@hawaii.rr.com
Submitted on: 2/1/2011

Comments:



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

COMMITTEE ON AGRICULTURE

and

COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

February 2, 2011

Landowner Liability

HB 226

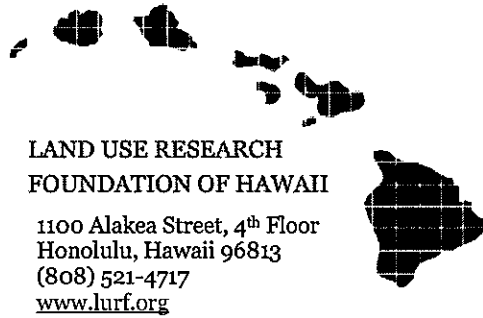
Aloha Chairs Tsuji and Chang and Members of the Committees:

The Hawaii Farm Bureau, on behalf of our commercial farm and ranch families and organizations across the State, is in **strong support** of HB 226, limiting landowner liability for injuries suffered during the act of trespass.

We need your help.

Farms and ranches across the State are being used without permission from owners for hiking, hunting, dirt biking, and worse---illegal activities. Our hard-earned crops are stolen, our livestock endangered by cut fences, and we are used as a rubbish dump, a place to abuse alcohol and drugs and to commit other crimes. Worse yet are those that individuals who trespass, hurt themselves, and then threaten to sue us for their injuries. We cannot afford to lose everything we work so hard to create, in litigation due to trespass.

This bill will help those folks that would never allow this flagrant disrespect to occur at their own homes, to think twice about trespassing and personal responsibility. We respectfully request that you pass this bill.



LAND USE RESEARCH
FOUNDATION OF HAWAII

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

February 2, 2011

Representative Clift Tsuji, Chair and Representative Mark J. Hashem, Vice Chair
Committee on Agriculture
Representative Jerry L. Chang, Chair and Representative Sharon E. Har, Vice Chair
Committee on Water, Land and Ocean Resources

Testimony of the Land Use Research Foundation of Hawaii

Wednesday, February 2, 2011 at 8:00 a.m. in CR 312

Support for HB 226 Relating to Landowner Liability

My name is David 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 and rational land use planning, legislation and regulation.

We appreciate the opportunity to provide our testimony **in support of HB 226, and offer comments.**

HB 226. This bill establishes that an owner or occupier of private land closed to the public shall not be liable to a person who commits the offense of criminal trespass on such land, except where injury to or death of the trespasser is caused by the owner's or occupier's gross negligence or willful or wanton acts. The bill also expands application of the measure so that the provisions related to criminal trespass in the second degree would apply to agricultural lands **that are fallow.**

LURF's Position. This bill protects owners and occupiers of private land from liability if a person who commits the offense of criminal trespass is injured while coming onto the property, unless the injury is caused by the owner's or occupier's gross negligence or willful or wanton conduct.

We believe that this bill represents a fair, equitable and reasonable balance between the landowner's duties, rights and responsibilities, and the rights of a trespasser if an injury or death results based on grossly negligent or intentional conduct by the landowner.

We further believe incorporation of the criminal trespass laws into the bill to define the term "trespasser" resolves previous concerns relating to inadvertent trespass, making the measure acceptable, and beneficial, particularly to owners and occupants of agricultural land, engaged in farming and ranching. These landowners and occupants have continually experienced problems with trespass, yet have been defenseless against claims by trespassers for incidents and injuries suffered on their agricultural lands, and have, in fact, had to protect trespassers from loss and injury despite their illegal entry.

Reference to the criteria for criminal trespass onto agricultural land which is contained in Hawaii Revised Statutes Section 708-814(c), and the amendment to said statutory provision to include **fallow lands** as a category of agricultural land to which the criminal trespass laws apply, aids greatly in addressing the concerns of agricultural landowners and occupiers (e.g., signage costs, blight of the pastoral landscape), and is strongly supported by LURF.

LURF is in **support of HB 266**, and we respectfully urge your favorable consideration. The opportunity to present our testimony regarding this matter is greatly appreciated.

hashem2 - Dorothy

From: WLOtestimony
Sent: Tuesday, February 01, 2011 9:23 PM
To: AGRtestimony
Subject: FW: Testimony for HB226 on 2/2/2011 8:00:00 AM

From: mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 01, 2011 8:34 PM
To: WLOtestimony
Cc: karinguest@hawaii.rr.com
Subject: Testimony for HB226 on 2/2/2011 8:00:00 AM

Testimony for WLO/AGR 2/2/2011 8:00:00 AM HB226

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Karin Guest
Organization: Kauai Cattlemen's Association
Address:
Phone:
E-mail: karinguest@hawaii.rr.com
Submitted on: 2/1/2011

Comments:

hashem2 - Dorothy

From: WLOtestimony
Sent: Tuesday, February 01, 2011 9:23 PM
To: AGRtestimony
Subject: FW: Testimony for HB226 on 2/2/2011 8:00:00 AM

From: mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 01, 2011 8:09 PM
To: WLOtestimony
Cc: gouldp001@hawaii.rr.com
Subject: Testimony for HB226 on 2/2/2011 8:00:00 AM

Testimony for WLO/AGR 2/2/2011 8:00:00 AM HB226

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Pamela Gould
Organization: Individual
Address: 4020 Kula Highway Kula HI 96790
Phone: 808 876 0711
E-mail: gouldp001@hawaii.rr.com
Submitted on: 2/1/2011

Comments: