

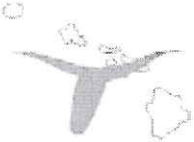
LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 1:38 PM
To: JDLTestimony
Cc: gottlieb@hawaii.rr.com
Subject: Testimony for SB1041 on 2/7/2011 10:00:00 AM
Attachments: SB 1041 2011 Trespass Jud.pdf

Testimony for JDL 2/7/2011 10:00:00 AM SB1041

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Alan Gottlieb
Organization: Hawaii Cattlemen's Council
Address:
Phone: 808-306-7769
E-mail: gottlieb@hawaii.rr.com
Submitted on: 2/6/2011

Comments:



Hawaii Cattlemen's Council, Inc.

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SENATE COMMITTEE ON JUDICIARY AND LABOR
Monday February 7, 2011 10:00 a.m. Room 016

SB 1041 RELATING TO RANGE LAND LIABILITY.

Specifies that an owner of range land owes no duty of care toward trespassers under specified conditions.

Chairman Hee 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+ members 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 **supports SB 1041 with changes** to the existing provisions requiring signage and fencing. We also believe this law should be afforded to all agricultural operations over 5 acres, not just pasture.

Several years ago we worked hard to amend the law on provisions of trespass not to require signage, so if you had either the fence, cattle, crop etc or other evidence of agriculture that became the signage. Otherwise we ended up in a situation that trespassers claimed they "did not see the sign" and got off. The police and prosecutors helped us with the language that became law. Furthermore, there are places in Hawaii that is "open range" where pasture is not fenced, yet the surrounding land is still private and valuable.

Trespassing crimes are very serious to cattle ranchers and other agricultural commodities across the state. Trespassers cause damage to property, increase liability to operators, and pose a serious threat to our food safety issues. This past year, there have been several incidents where trespassing vandals destroyed papaya farms on Oahu and the Big Island, costing farmers tens of thousands of dollars.

Property damage, such as livestock caught in snares, damaged fences, stealing of agriculture products can be irreversible for the landowner. Thousands of dollars are spent per year in repairing damages created by trespassers and it affects the economic survival for all ag commodities. We are often easy targets because of our remote locations, easy access and limited surveillance. We have a responsibility to be good stewards of our land and trespassers make it difficult to continue that without proper consequences.

Liability is also a tremendous burden for landowners. This bill will limit that liability when trespassers try to claim injury sustained on private property. Landowners cannot have a legal duty to protect a person who is uninvited onto the property and gets injured because of any natural risks or hazards that are inherent characteristics of agricultural land. This bill would reduce landowner's liability and thus the need for excessive and costly general liability insurance.

Food safety is another issue. If agriculture and the food production system is constantly the target for disruption, destruction or altering of the production of food, it will pose a serious problem for the food safety of our entire state. In times when we are trying to increase local food production state wide, agricultural landowners need to carry less liability and need to be encouraged to have profitable ag enterprises.

In closing, trespassers can ultimately create intense damage to our agricultural economy and this needs to be prevented by stricter laws and stiffer fines. We need to increase advocacy for farmers and ranchers who want to continue to produce food in an efficient, profitable, and responsible manner. Government needs to protect the intrinsic value of ranchers and farmers for the present and the future, by making greater efforts to limit liability of all agricultural landowners and SB 1041 will create that.

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

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 9:47 PM
To: JDLTestimony
Cc: ashman.janet@gmail.com
Subject: Testimony for SB1041 on 2/7/2011 10:00:00 AM
Attachments: SB1041 range land liability trespass jdl hfbf.doc

Testimony for JDL 2/7/2011 10:00:00 AM SB1041

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Hawaii Farm Bureau Federation
Organization: Hawaii Farm Bureau Federation
Address: Hawaii
Phone: 8082265483
E-mail: ashman.janet@gmail.com
Submitted on: 2/6/2011

Comments:
Agree with intent, another SB will accomplish purpose better.



LATE TESTIMONY

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Senate
Committee on Judiciary and Labor
February 7, 2011

SB 1041 RELATING TO RANGE LAND LIABILITY

Chair Hee, Vice Chair Shimabukuro, and Members of the Committee,

Hawaii Farm Bureau Federation, on behalf of our commercial farm and ranch families and organizations across the State, **strongly supports the intent of SB 1041 and respectfully requests that similar protections be extended to cropland via SB 1079.**

Both farmers and ranchers in Hawaii 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.

In addition, there are 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. There is certainly no benefit provided to the farmer or rancher from these trespassers or their activities and there should be only a minimal duty of care owed to them.

This bill would clarify that only ranchers have **no duty of care** to keep their lands safe for trespassers or to warn them of potentially dangerous conditions on the land (no liability unless of course, they are grossly negligent or intentionally injure the trespasser), provided that their lands are entirely fenced or otherwise secured and posted with sign(s).

We appreciate the recognition that ranchers are experiencing hardship due to the activities of trespassers and we respectfully request that the no duty of care provisions in this bill also be extended to farmers with croplands.

The Farm Bureau believes that there is another vehicle, SB 1079, which would accomplish this and, with minor amendments, provide the much-needed protection to both farmers and ranchers throughout the State.

Thank you very much for your help to protect the viability of the farmers and ranchers of Hawaii who would like to continue to supply food to our residents and visitors, and help Hawaii move toward food self-sufficiency. We would be pleased to answer any questions, please contact Janet Ashman, at 226-5483.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 8:13 PM
To: JDLTestimony
Cc: karinguest@hawaii.rr.com
Subject: Testimony for SB1041 on 2/7/2011 10:00:00 AM

Testimony for JDL 2/7/2011 10:00:00 AM SB1041

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Karin Carswell Guest
Organization: Individual
Address:
Phone:
E-mail: karinguest@hawaii.rr.com
Submitted on: 2/6/2011

Comments:

We respectfully prefer SB1079 over this bill, as it addresses more trespass concerns that Agriculture land owners have.