



Hawaii Cattlemen's Council, Inc.

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COMMITTEE ON WATER, LAND, & OCEAN RESOURCES Monday February 7, 2011 9:00 a.m. Room 325

HB 227 RELATING TO TRESPASS

Strengthens trespass provisions regarding a person who enters or remains unlawfully on unimproved or unused land; adds entering and remaining on unimproved or unused land that is fenced or enclosed, or with a "private property" sign, to the offense of criminal trespass in the second degree.

Chairman Chang 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 227.

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.

The language in HB 227 would extend current trespass laws to include unimproved or vacant lands. Ranchers and farmers often have both improved lands and unimproved or vacant lands, and even if the trespass occurs on the vacant lands, we suffer similar harm, vandalism and liability as we do on our improved lands.

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



Hawaii Farm Bureau
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HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

February 7, 2011

9 am

Room 325

Relating to Trespass

HB 227

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

The Hawaii Farm Bureau, on behalf of our commercial farm and ranch families and organizations across the State, is in **strong support** of the intent of HB 227, which strengthens trespass provisions.

Farmers and ranchers 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.

This bill would make trespassing on unimproved lands that are fenced or otherwise enclosed or have clearly noticeable signs, a petty misdemeanor. We hope that this will serve as a deterrent to those who would otherwise ignore fencing and signage.

We respectfully request that you add to Section 708-814 (1)(c)(iii) on line 19, page 4, language that will protect ranchers and crop farmers equally under certain circumstances, since we believe that the original intent of this section was to include these scenarios:

(iii) At the time of entry, are fallow, or have a visible presence or evidence of livestock, or of a crop;

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 our residents and visitors with the bounty of our lands and help Hawaii move toward food self-sufficiency.