



The Voice of Small Business®

**Testimony by Mr. Daniel Murray
Kansas State Director, National Federation of Independent Business**

**Senate Judiciary Committee
Tuesday, March 6, 2012**

Good afternoon, Chairman Owens and members of the Committee. My name is Dan Murray and I am the State Director of the National Federation of Independent Business/Kansas. NFIB/KS is the leading small business organization representing small and independent businesses. A nonprofit, nonpartisan organization founded in 1943, NFIB/KS represents the consensus views of its over 4,100 members in Kansas. I am pleased to be here in support of HB 2106, the Trespasser Responsibility Act.

The Trespasser Responsibility Act codifies that land possessors owe no duty of care to trespassers and are not liable for harms to trespassers except in limited situations that are recognized in the bill and in other common law of Kansas.

First and foremost, the NFIB supports HB2106 because implementing the contents of the bill is simply the right thing to do. It is ludicrous to imagine a world in which a criminal could be financially rewarded for sustaining an injury while trespassing on a small business owner's property.

The frequency and high cost of litigation in our country's current civil-justice system is a matter of growing concern to small businesses. Liability reforms, like the one proposed in HB2106, inject a measure of fairness into a legal system that currently preys on business, often without regard to legal merit. Liability reform, including HB2106, also help reduce the number of frivolous lawsuits and the exorbitant costs that can drive businesses to financial ruin.

Civil litigation was once a last-resort remedy to settle limited disputes and quarrels, but recent years have brought a litigation explosion. The number of civil lawsuits has tripled since the 1960s. Litigation has become a big business, and it is putting small companies out of business. When the typical cost of a lawsuit that goes to trial is at least \$100,000, the economic pressures to settle are enormous. NFIB members say that being sued is one of the most threatening experiences for a small-business owner. It is even more frightening for the smallest of the small, which can be put out of business by one lawsuit.

NFIB wholeheartedly supports the Trespasser Responsibility Act and urge you to pass the measure out favorably.

Senate Judiciary
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Attachment 2