



The Voice of Small Business®

**Testimony in Support of HB2106 by Mr. Daniel Murray
Kansas State Director, National Federation of Independent Business**

**House Judiciary Committee
Wednesday, February 8, 2012**

Good afternoon, Chairman Kinzer 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 submit testimony 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.

A recent NFIB Small Business Economic Trends edition, which measures the confidence of small business owners, states: "it appears that the small business sector remains in a 'rut', unable to find reasons to ramp up hiring and capital spending." HB2106 is a positive measure that supports hiring and capital investment.

Do I think that HB 2106 will *cause* small businesses to begin hiring and investing in capital? Not necessarily. But, I do think the bill does two positive things for the small business sector. First and foremost, by limiting small business owners' liability exposure, the bill supports the NFIB Mission: "to promote and protect the right of our members to own, operate and grow their businesses."

Second, the Trespasser Responsibility Act sends a crystal clear signal to small businesses in Kansas and across the nation that our state's laws and business climate support job creators, not law-breakers. In a time of unusually high unemployment, weak sales, and low capital investment, Kansas should be doing everything it can to retain and grow jobs. Business expansion and capital investment will seek out areas that have a favorable tax climate and laws and regulations that support job growth.

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

Small Business Isn't Small

Collectively, small business isn't small. It represents over 97 percent of all employer firms and provides employment to 54.7% of the non-farm private work force in Kansas. It pays 44 percent of total U.S. private payroll. In the past fifteen years, it has annually generated 64% of net new jobs. It generates more than 50% of the gross domestic product. It possesses half of the business wealth in the U.S.