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To: Senate Committee on Federal and State Affairs
Sen. Ralph Ostmeyer, Chair

From: Tucker Stewart, Associate Counsel, Kansas Livestock Association

Re: **SB 462 AN ACT concerning regulation of drones; dealing with private property rights.**

Date: March 3, 2016

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,200 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

Thank you, Chairman Ostmeyer and members of the Committee, my name is Tucker Stewart and I am with the Kansas Livestock Association (KLA). KLA appears today as a proponent of SB 462.

KLA policy favors laws that strengthen individual property rights; prevent unauthorized intrusions on private land, air, and water; and prevent interference with private business operations. While KLA understands there may be many positive uses of unmanned aircraft systems (UAS) in agricultural operations, KLA believes limits on the use of UAS are necessary to prevent invasions of private property because current common law protections are unclear. SB 462 is positive legislation that would not inhibit the growth of UAS in agriculture or commerce, but would respect private property rights by creating a clear cause of action when property rights are infringed.

One of the most fundamental rights of property ownership is the ability to control who has right of access. SB 462 goes to the heart of that issue by making clear when a UAS operator would be liable for damaging the property rights of another. Although the Federal Aviation Administration (FAA) is in the process of developing rules to regulate who, how, when, and where UAS may be safely operated, the FAA will not and cannot address the issue of liability for damages caused by UAS to private property. Such regulation is appropriately reserved for regulation by the states. That is the purpose of SB 462. It should also be noted that SB 462 does not prohibit UAS flights under 350 feet above the surface, it merely assigns liability for damages, and only allows an action when there are actual damages to the property.

Modern agriculture is under more intense scrutiny from activist groups than ever before, and the right of a farmer and rancher to be secure in their property is of paramount importance. The

population of Kansas has grown increasingly urban, even as agriculture remains one of the state's top industries. With the urban shift, many people in Kansas and across the nation are unaware of accepted and necessary farming and ranching practices. Too many urban dwellers, young and old, believe that products like beef, pork, and milk simply come from the grocery store. They have no concept of the type of animal husbandry practices it takes to bring those food products to market.

Unfortunately, this lack of understanding of agricultural practices has resulted in the growth of anti-animal agriculture groups like People for the Ethical Treatment of Animals (PETA) and the Humane Society of the United States (HSUS). These organizations spend millions of dollars harassing honest livestock producers, lobbying legislatures for policies that would stymie animal agriculture, and misrepresenting the livestock industry through public affairs campaigns.

At least one of these groups, PETA, has already announced the purchase of UAS to invade the private airspace of landowners to obtain video and photographs of livestock operations and hunters. A PETA press release dated April 8, 2013, is attached to my testimony, for your review. While HSUS has not made any public announcements that it will purchase UAS, it is anticipated that HSUS will follow suit, based on past occurrences where it has released video from inside livestock operations after gaining entry through fraudulent means.

SB 462 would make it clear that radical anti-animal agriculture groups like HSUS and PETA, cannot invade private property without being subject to a civil cause of action. Kansas has a strong history of supporting agriculture, its top industry in the state. SB 462 would help guarantee that Kansas farmers and ranchers can operate freely without the threat of having activists invade their private property.

Again, it is important to note that KLA is not opposed to the use of unmanned aerial vehicles. In fact, these vehicles may prove a useful tool for ranchers as operation size continues to expand. However, KLA members also know that these tools should be used appropriately and should not be used to invade and damage private property. Kansas should clarify when a UAS operator is liable for damages a UAS causes by entering private property. Current law is unclear and the FAA does not have the ability to address this issue, which is reserved for the states.

Thank you for the opportunity to submit testimony. KLA asks the Committee to pass SB 462 favorably.