

har2-Samantha

From: Jim Ansley [ansleyj001@hawaii.rr.com]
Sent: Monday, February 13, 2012 4:06 PM
To: WLOtestimony
Cc: Cayte Flood; Mary Bretschneider; John Jepsen; GWCA office; terry healey; Dean Georgiev; Jim Cordeiro; katmuranak@hotmail.com; shippenn001@hawaii.rr.com; Jim Fromm; Rep. Ryan Yamane; Cherise Antoque-Tilton; Marty Burke
Subject: HB 1722

To: Chair and Members Of the Joint Committee on Water, Land and Housing,
My name is James H. Ansley and myself and my family have lived at 94-775 Meahale Street in Gentry Waipio for 26 years. During this time we have enjoyed use of the walk pathway which runs through the community as do many of the residents walking their children, pushing strollers, walking pets, riding bicycles, tricycles and jogging. Unfortunately we are experiencing usage of the path by both residents and nonresidents riding motorized vehicles such as mopeds, motorcycles and on occasion even all terrain vehicles on the pathway. This is obviously very hazardous and dangerous to the legitimate users of the path. There are signs that state motorized vehicles are not allowed on the pathway (as on any other sidewalk). When police have been called to remove violators, the response has been that the pathway is on private property (community association common property) and the police do not have jurisdiction. We need to give HPD the authority to protect our citizens who legitimately use pathways interior to communities even though they may be on private property, and the power to arrest those who disregard the laws and rules of usage of walkways/sidewalks and endanger our citizens by their reckless behavior. We would be pleased to allow HPD on our community common property for purposes of law enforcement.

Thank you for your considering HB 1722 as a means to allow HPD the authority to police interior sidewalks/walkpaths in our state before someone is seriously injured or killed by improper usage of motorized vehicles.

James H. Ansley
Member Board Of Directors
Genty Waipio Community Association

har2-Samantha

From: Cayte Flood [caytef@hawaii.rr.com]
Sent: Tuesday, February 14, 2012 1:27 AM
To: WLOtestimony
Cc: Councilmember Nestor R. Garcia; Rep. Ryan Yamane; John Jepsen; GWCA Office; Cherise Antoque-Tilton; Dean Georgiev; Jim Ansley; Kathleen "Kat" Muranaka (home); Mary Bretschneider; Terry Healey; Thane Shippen; Danielle Bass; Marty Burke
Subject: House Bill 1722

To: Chair and Members Of the Joint Committee on Water, Land and Housing,

My name is Catherine R. Flood, myself, my husband and my 2 young children have lived at 94-1040 Leko Place in Gentry Waipio for 9 years. During this time we have enjoyed use of the walk pathway which runs through the community as do many of the residents walking their children, pushing strollers, walking pets, riding bicycles, tricycles and jogging. Myself and my family utilize the walkpath at least twice daily to walk my son to and from Kanoelani Elementary as well as evening "flashlight" walks with my family when it gets dark.

Unfortunately, we are experiencing usage of the path by both residents and nonresidents riding motorized vehicles such as mopeds and motorcycles. All the times I have personally witnessed this it was a older teenager or an adult with a young child. At no time has any of these violators used any of the safety equipment required on city/state streets and in most cases their speed was in excess of 20 mph. This is obviously very hazardous and dangerous to the legitimate users of the path. Many times these motorized vehicles are on the path just before school starts or immediately after school whe there are many children walking to and from school. During the evening and night hours there are no lights on the walkpath aside from 2 lighted tunnels it is extremely hazardous when motorized vehicles race up and down the walk path during these hours in addition to upsetting neighboring households with the noise and upsetting pets. There are signs that state motorized vehicles are not allowed on the pathway (as on any other sidewalk).

I have personally called for police assistance to cite or remove violators, the response was that the pathway is on private property (community association common property) and the police do not have jurisdiction. We need to give HPD the authority to protect our citizens who legitimately use pathways interior to communities even though they may be on private property, and the power to arrest those who disregard the laws and rules of usage of walkways/sidewalks and endanger our citizens by their reckless behavior. We would be pleased to allow HPD on our community common property for purposes of law enforcement.

Thank you for your considering HB 1722 as a means to allow HPD the authority to police interior sidewalks/walkpaths in our state before someone is seriously injured or killed by improper usage of motorized vehicles.

Catherine R. Flood
President of the Board Of Directors
Gentry Waipio Community Association

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 5:20 AM
To: WLOtestimony
Cc: kekahunakeaweiwi@yahoo.com
Subject: Testimony for HB1722 on 2/15/2012 9:00:00 AM

Testimony for WLO/HSG 2/15/2012 9:00:00 AM HB1722

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Foster Ampong
Organization: Individual
E-mail: kekahunakeaweiwi@yahoo.com
Submitted on: 2/11/2012

Comments:

Though SECTION 2 of HB1722 claims "Nothing in this Act is intended to interfere with the Fourth Amendment rights against unreasonable searches and seizures of any person affected," the effect of this Bill, INTENDED or NOT if passed in to law shall inherently provide a backdoor to violate the US Constitution's Fourth Amendment and creates an environment in our community of uncertainty, fear and distrust in those entrusted with the authority and enforcement to provide and maintain public safety.

I strongly oppose the passage of this Bill on the grounds that if mandated into law HB1722 shall provide a backdoor within the statues of law to violate my Fourth Amendment rights.

har2-Samantha

From: Martin Burke [burkem002@hawaii.rr.com]
Sent: Monday, February 13, 2012 12:37 PM
To: WLOtestimony
Cc: Councilmember Nestor R. Garcia; Rep. Ryan Yamane; John Jepsen; GWCA Office; Cherise Antoque-Tilton; Cayte Flood; Dean Georgiev; Jim Ansley; Kathleen "Kat" Muranaka (home); Mary Bretschneider; Terry Healey; Thane Shippen; Danielle Bass
Subject: House Bill 1722
Importance: High

To: Chair and Members of the Joint Committee on Water, Land and Housing

I am a resident of the Gentry Waipio community, a member of it's community association's board of directors and a member of Waipahu Neighborhood Board No. 22.

Your vote to support Representative Yamane's proposed bill, HB 1722, will significantly improve the ability of private associations like ours to avail themselves of police assistance in reducing or eliminating threats to the well-being and personal safety of our residents and their property posed by individuals trespassing or otherwise violating the sanctity of property owned by our residents, either individually or in common, and who act contrary to the rights of such property owners.

For example, my community is continually menaced by individuals (almost exclusively non-residents of the Association) operating motorized vehicles such as mopeds and motorized scooters on clearly posted Association-owned bike and pedestrian walkways in contravention of the community's Declaration of Covenants, Conditions and Restrictions (DCC&R). In spite of having to incur the expense of insuring itself against claims arising from injury or property damage by users, our Association has always allowed our neighbors from outside our community open access to these privately owned rights-of-way with the assumption that all users will act in compliance with our community restrictions and should be able to expect freedom from the obvious hazards posed by motorized vehicles co-opting the safe use of same by pedestrians, including walkers, joggers, school children (Kanoelani Elementary School has direct access to the pedestrian walkway/bikeway), skate boarders and bike riders, most of whom are grade-schoolers.

These or similar conditions are also experienced in other covenanted communities in Waipahu (and, I'm certain, throughout our Islands). Under our DCC&R the Association has enforcement authority against member property owners. However, we cannot extend that enforcement to members of the general public. Moreover, under current law HPD is not authorized to enter upon these private premises, including those designated as common elements, even though they're open to the public, in order to respond to Association or individual complaints of use violations by operators of motorized vehicles. Obviously neither the Association, its officers, members or agents, including security personnel, have police authority to apprehend and cite violators.

By approving Representative Yamane's proposed bill you would make it possible for our community members to avail themselves of police protection by enabling law enforcement authorities to respond according to their professional judgment in a given set of circumstances.

I urge your unqualified support before someone is injured or the Association is forced to physically limit access to the detriment of all.

Martin J. Burke
94-823 Leomana Way,

Waipahu, HI 96797-4015

(808) 676-6531

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 3:28 PM
To: WLOtestimony
Cc: cainsaw1124@gmail.com
Subject: Testimony for HB1722 on 2/15/2012 9:00:00 AM

Testimony for WLO/HSG 2/15/2012 9:00:00 AM HB1722

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Stephen Burton
Organization: Individual
E-mail: cainsaw1124@gmail.com
Submitted on: 2/13/2012

Comments:

I am writing to oppose HB1722, this bill my not intend to violate anyone fourth amendment rights, but it will. Giving police the authority to enter some ones private property is a bad idea you are possible putting police life in danger if the home owner or property owner has firearms and the officer does not identify them self as police officers, The land owner could have weapon, the police see the weapon and open fire, and innocent people get injured or killed due to the lack of communication. Leave the law the way it is make to police identify themselves to the property owner and get there permission to enter the property, this way the property owner doesn't open the back door with a loaded shotgun on a police officer because he didn't know it was the police in his back yard and thought it was a thief and end up shooting a officer or getting shoot by the officer. We want to make laws to protect the public and our police officers not get someone killed due to a bad law.

har2-Samantha

From: James D. Cordeiro [cordeiroj001@hawaii.rr.com]
Sent: Monday, February 13, 2012 10:46 PM
To: WLOtestimony
Cc: 'Cayte Flood'; 'Mary Bretschneider'; 'John Jepsen'; 'GWCA office'; 'terry healey'; 'Dean Georgiev'; katmuranak@hotmail.com; shippenn001@hawaii.rr.com; 'Jim Fromm'; Rep. Ryan Yamane; 'Cherise Antoque-Tilton'; 'Marty Burke'
Subject: HB 1722

To: Chair and Members Of the Joint Committee on Water, Land and Housing,

I have lived in Waipio Gentry for 20 years and my home is alongside the walking path...approximately 50 feet away. This path is beautiful, well maintained, well used, and safe. For many years we have had an issue with residents and nonresidents riding motorized vehicles such as mopeds, motorcycles, dirt bikes and golf carts on the path. The path is sloped and some of these motorized vehicles reach speed of 30-40 MPH going downhill. No matter what speed they are going the walkers are spooked. Walkers do not know whether the riders plan to go around them (on the ground cover) or stay on the path. No matter what speed they are going the encounters are scary. Also, most pets get upset and start barking and those of us living along the trail have to endure all the noise. I have seen adult and teenagers riding alone or with children in the front and/or back of these vehicles. I have NEVER seen a rider with all the safety equipment required on city/state streets. I hear these riders all hours of the day and night from inside my home.

HPD needs the authority to protect my neighborhood for those of us who use the pathway. They need to have the authority to arrest those who break the laws and rules of usage of the walkway.

Thank you for your considering HB 1722 as a means to allow HPD the authority to police interior sidewalks/walk paths in our state before someone is seriously injured or killed by improper usage of motorized vehicles.

James D. Cordeiro
(808) 381-9677
94-1112 Akeu Place
Waipio-Gentry

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 5:02 PM
To: WLOtestimony
Cc: tane_1@msn.com
Subject: Testimony for HB1722 on 2/15/2012 9:00:00 AM

Testimony for WLO/HSG 2/15/2012 9:00:00 AM HB1722

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: David MK INciong, II
Organization: Individual
E-mail: tane_1@msn.com
Submitted on: 2/10/2012

Comments:

I strongly oppose this insidious bill which further emboldens a police state. I respect the police department and most of its officers; but know there are abuses that continue whether intentional or not. This bill lends to more inadvertant or intentional abuse as we are all human and apt to err from time to time. You are asking us to give up some of our liberties which I am not inclined to surrender to any government agency. Granted there are a few that overstep their authority; yet it is one too many. I will continue to support the Police Department and its officers; but I will not flippantly give up my freedoms and rights.

Germany evolved into a police state that we can't forget and the U.S.A. has been developing into a militant police state which is startling similar to the Germany that was embroiled in World War II. Let's learn our lesson and not forget the lesson.

I oppose this bill for these reasons and will not surrender my freedoms and human rights to make easier to circumvent the Forth Amendment rights with semantics and mere rhetoric to shepard people into giving up their rights and freedoms which we should uphold.

Mahalo,

Tane

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 11:09 PM
To: WLOtestimony
Cc: Kealii8@hotmail.com
Subject: Testimony for HB1722 on 2/15/2012 9:00:00 AM

Testimony for WLO/HSG 2/15/2012 9:00:00 AM HB1722

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kealii Makekau
Organization: Individual
E-mail: Kealii8@hotmail.com
Submitted on: 2/10/2012

Comments:
Goes against due process of of law.