

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committees on  
WATER & LAND  
and  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Wednesday, January 22, 2014  
8:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1544  
RELATING TO ANIMALS**

The Department of Land and Natural Resources (Department) appreciates the intent of House Bill 1544 which proposes to allow restrained dogs in state parks in designated areas that have access to the shoreline. The Department however feels this measure is not necessary because rules have been established which address the actions sought in the measure.

The Department's Division of State Parks (Division) has established, under Hawaii Administrative Rules (HAR) 13-146, rules which address animals, including dogs, in the State Parks. The rules already established by the Board of Land and Natural Resources (Board) in Section 13-146-10 state in part:

- (a) No person shall enter the premises with dogs, cats and other animals unless they are crated, caged, on a leash which shall not exceed six feet in length, or otherwise under physical restrictive control at all times.
- (b) . . . The board or its authorized representative may also designate, by the posting of appropriate signs, any portion of the premises where animals shall not be allowed.

HAR 13-146-10 also addresses responsibility for the clean up and proper disposal of animal droppings, for restoration or restitution for any damages caused by the animal, and if the animal is loose, for restitution for any costs incurred in trapping and removing the animal.

Lastly, penalties for violations of these rules are found in HAR 13-146-3.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**lowen2-Lanaly**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 20, 2014 12:14 PM  
**To:** waltestimony  
**Cc:** govierj001@hawaii.rr.com  
**Subject:** Submitted testimony for HB1544 on Jan 22, 2014 08:30AM

**HB1544**

Submitted on: 1/20/2014

Testimony for WAL on Jan 22, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Govier	Individual	Support	No

Comments: Please vote yes for this measure. It encourages and supports the positive, healthy relationship between decent law abiding citizens and their animals. Please vote yes. (Mrs)Susan Kane Lucas Govier

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO H.B. NO. 1544**

January 22, 2014

To: Chairperson Cindy Evans and Members of the House Committee on Water and Land:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in opposition to H.B. No. 1544.

There are two basic underlying reasons of tort law in the American legal system. One is to compensate a person for his or her injuries as a result of the negligence of another including a government entity. The other is to serve as a deterrent to prevent negligent or irresponsible behavior. When a person or an entity realizes that they may be held liable, there is a strong incentive to prevent the occurrence of harm. One reason for imposing liability is the deliberate purpose of providing that incentive. Said another way, tort law encourages responsible behavior.

This bill absolves the State of all responsibility for the negligent acts of an employee or state officer for any injury to person or damage to property caused by any dog in a state park. Generally, the state would not be liable for civil damages for the negligence of the owner of a dog in a state park unless the state is independently negligent in some way and we feel that this portion of the bill is not necessary. HAJ requests that this portion of the bill be deleted.

Thank you for the opportunity to testify and listening to our concerns and comments.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 19, 2014 11:51 PM  
**To:** waltestimony  
**Cc:** lee@leemcintosh.org  
**Subject:** Submitted testimony for HB1544 on Jan 22, 2014 08:30AM

**HB1544**

Submitted on: 1/19/2014

Testimony for WAL on Jan 22, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lee McIntosh	Individual	Support	No

Comments: Madam Chair and Members of the Committee on Water & Land and Madam Chair and Members of the Committee on Ocean, Marine Resources, & Hawaiian Affairs: Aloha, my name is Lee McIntosh and I live on the Big Island. I support HB1544, which allows dogs on leashes to enter state parks with shoreline access. There have been many occasions that I wish my family could bring our dog with us to the beach or park, but was denied that pleasure because animals are prohibited. We never lived near a dog park. This prohibition is discriminatory. The same laws that govern pets in public should apply to state and county parks as well. Please pass this bill. Thank you for the opportunity to testify regarding HB1544.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 17, 2014 1:26 PM  
**To:** waltestimony  
**Cc:** teresa.parsons@hawaii.edu  
**Subject:** Submitted testimony for HB1544 on Jan 22, 2014 08:30AM

**HB1544**

Submitted on: 1/17/2014

Testimony for WAL on Jan 22, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: I am in support of allowing responsible dog owners and their pets in areas where the public gathers. I do urge penalties for irresponsible owners which can be cited by DNLR and Police for violators. Mahalo for allowing me to submit testimony to your committee hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 21, 2014 11:02 AM  
**To:** waltestimony  
**Cc:** mz9995@hotmail.com  
**Subject:** Submitted testimony for HB1544 on Jan 22, 2014 08:30AM

### **HB1544**

Submitted on: 1/21/2014

Testimony for WAL on Jan 22, 2014 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Individual	Support	No

Comments: My individual testimony in support.

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January 20, 2014

## **Testimony in Support of HB 1544**

Rep. Cindy Evans and Members of the Committee on Water and Land:

The Pacific Pet Alliance is a domestic non-profit organization that promotes responsible pet ownership through education and advocacy.

**We are pleased to join with other groups and individuals in supporting HB 1544.** Dogs are wonderful companion animals whose presence in our daily lives does so much to improve the quality of our lives, *and* theirs. Allowing dogs to accompany their owners in Hawai'i's state parks will provide our island families with much-needed outdoor venues in which to safely enjoy the company of our beloved pets, to facilitate their socialization and training, and to nurture the important bonds between pets and their owners.

We would encourage pet owners to be responsible and follow the guidelines in the bill that call for leash restraints, removal of fecal waste, and respecting the designated areas where dogs will be allowed so that this privilege can be enjoyed for future generations.

The Pacific Pet Alliance respectfully asks this Honorable Committee to adopt HB 1544 in its current form.

Respectfully submitted,

**PACIFIC PET ALLIANCE**

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Lynn Muramaru, President