



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

Testimony for the House Committee on Health

Regarding House Bill No. 1854, Relating to Nuisances

Committee Hearing on February 7, 2014 at 8:45 a.m.

Hawaii State Capitol, 415 South Beretania Street, Conference Room 329

Dear Chair Belatti, Vice-Chair Morikawa and Members of the House Committee on Health:

Thank you for this opportunity to testify in **STRONG SUPPORT with Amendments to HB1854.**

The intent of this measure is not to aggravate the plight of our homeless community. Therefore, I would like to offer the following amendments.

See attached PROPOSED LANGUAGE FOR HB1854.

Thank you again for the opportunity to provide testimony in **STRONG SUPPORT with Amendments to HB1854.**

Respectfully submitted by: Isaac W. Choy
State Representative, District 23

PROPOSED LANGUAGE FOR HB1854

SECTION 1. Section 322-1, Hawaii Revised Statutes, is amended to read as follows:

"§322-1 Removal, prevention. (a) The department of health and its agents shall examine into all nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvae exist, sources of filth, and all causes of sickness or disease, on shore, and in any vessel, which may be known to them or brought to their attention, which in their opinion are dangerous or injurious to health, and into any and all conditions created or existing which cause or tend to cause sickness or disease or to be dangerous or injurious to health, and shall cause the same to be abated, destroyed, removed, or prevented.

For purposes of this part, a nuisance shall include:

- (1) Toxic materials that are used in or by-products of the manufacture or conversion of methamphetamine, and clandestine drug labs that manufacture methamphetamine; ~~and~~
- (2) Odors and filth resulting from a person feeding feral birds[-]; and

(3) Odors, filth, and the infestation of rodents or pests resulting from the storage of personal property that is not maintained or kept in good order;

(b) In exercising its authority to abate, destroy, remove, or prevent a nuisance under subsection (a)(3), the department of health shall only invoke its authority to abate, destroy, remove, or prevent the nuisance if the person whose personal property is the cause of the nuisance has:

- (1) Been subject to administrative fines by the state, county, or both, of not less than an aggregate of \$10,000 for the nuisance within a ten year period; and
- (2) Not substantially remediated the nuisance within six months of receipt of the administrative fine last imposed by the State, county, or both."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

HB1854

Submitted on: 2/5/2014

Testimony for HLT on Feb 7, 2014 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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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morikawa2-Joanna

From: mailinglist@capitol.hawaii.gov
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To: HLTtestimony
Cc: pamsee@hawaii.rr.com
Subject: *Submitted testimony for HB1854 on Feb 7, 2014 08:45AM*

HB1854

Submitted on: 2/5/2014

Testimony for HLT on Feb 7, 2014 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
P. Murashige	Individual	Support	No

Comments:

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STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Health

HB 1854, RELATING TO NUISANCES

LATE

**Testimony of Gary L. Gill
Acting Director of Health**

**February 7, 2014
8:45 a.m.**

1 **Department's Position:** The department respectfully opposes this measure.

2 **Fiscal Implications:** This bill has fiscal implications. Additional staffing would be required to
3 effectively carry out this measure. Funding for this measure is not included in the Executive Biennium
4 Budget and therefore will adversely affect other spending priorities.

5 **Purpose and Justification:** The bill adds "odors, filth and the infestation of rodents or pests resulting
6 from the storage of personal property that is not maintained or kept in good order" to the existing
7 nuisance statute, section 322-1 HRS.

8 The existing statute and HAR currently permits the department to look into and enforce nuisance
9 complaints of any origin. Passage of this bill will give the public a false sense of what the department
10 can and is able to enforce. When the legislature inserted feral bird feeding language into the statute last
11 year, the DOH was inundated with calls claiming that the DOH has outlawed the feeding of birds, and
12 there was an expectation that the department would prevent this activity.

13 The current measure would result in the department being inundated with calls alleging that their
14 neighbors' storage of personal property is not in good order, and is allegedly causing odors and filth due

1 to rodent or insect infestations and an expectation that the department can control this activity. The
2 department already has adequate laws to order owners to prevent and abate any harborage of rodents.

3 The department lacks the resources to investigate, abate, destroy, remove, or prevent personal
4 property nuisance complaints at this time. There is currently only one full time employee on Oahu
5 available to investigate vector control complaints. The additional vector positions allocated to the
6 department last legislative session will be used in the surveillance program at the airport and harbors for
7 the early detection and eradication of new mosquito vectors and to respond to vector complaints arising
8 from State-owned properties or vectors that are atypical and have the potential to spread disease. The
9 department believes that these functions should be the priority of the limited vector staffing and
10 resources and not responding to residential and private business nuisance complaints.

11 Thank you for the opportunity to testify.

morikawa2-Joanna

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:12 PM
To: HLTtestimony
Cc: shiatsuhp@gmail.com
Subject: Submitted testimony for HB1854 on Feb 7, 2014 08:45AM



HB1854

Submitted on: 2/6/2014

Testimony for HLT on Feb 7, 2014 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jo Ann Yanazaki	Individual	Support	No

Comments: I Strongly support HB 1854. Storage of personal property should be kept in good order, permits should be obtained for large storage containers, and contents should be safely contained to avoid infestation by rodents, pests, feral cats, stray dogs, etc., to prevent health or environmental hazards. Example: containers on Hopena Way in Manoa, seen on HawaiiNewsNow in Aug 2012.

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