



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on S.B. 2163
RELATING TO SERVICE OF PROCESS**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON WATER, LAND AND AGRICULTURE
Hearing Date: February 1, 2016 Room Number: 224
2:45 P.M.

LATE

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health respectfully provides the following
3 comment on this measure. This measure provides for an additional method of legal notification
4 when an enforcement action is being taken under Hawaii Revised Statutes, Chapter 205. The
5 Department of Health, Clean Water Branch, has encountered situations when a respondent of an
6 enforcement action deliberately avoids certified mail or personal service and as such, counters
7 the Department of Health's ability to proceed with a timely enforcement action. The Department
8 of Health supports adding an additional method of legal notification when an enforcement action
9 is being taken; however, enforcement authority for environmental violations is not authorized
10 under HRS 205 but rather HRS 342.

11 For these reason, the Department of Health supports the intent of this measure, but
12 suggests adding similar language to add the additional method of service for water pollution
13 enforcement actions authorized by HRS 342.

14 Thank you for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE COMMITTEE ON WATER, LAND AND AGRICULTURE

Monday February 1, 2016 2:45PM Room 224

In Support SB2163 Relating to Service of Process

LATE

Aloha Chairman Gabbard and members of the Senate Water, Land & Agriculture Committee,

On behalf of our 12,000 members and supporters, the Sierra Club of Hawai'i strongly supports SB2163 relating to service of process. This bill would improve enforcement of current land use laws by allowing for constructive notice to violators of land use violations via a public government website.

For a community that values our pristine natural environment, we do a poor job of enforcing our land use laws. Land use violations are rampant throughout the Hawaiian Islands, but is especially egregious on O'ahu. We regularly see illegal dumps on our curbsides, auto repair shops on agricultural lands, reefs contaminated by illegal grading and grubbing on land. These illegal uses of land can be reduced with better enforcement of current land use laws.

Better enforcement begins with improved options for notifying suspected violators of their violations. SB2645 will give counties additional options for notifying suspected violators when attempts of service are unsuccessful by person or mail. The ability to do so will lead to greater enforcement of land use laws, providing for better safety and welfare for the people of Hawai'i.

This bill currently focuses solely on Haw. Rev. Stat. § 205, Hawai'i's land use law. However, there should be consideration to expand this bill to other types of violations to agencies with enforcement abilities, such as the Department of Health.

We strongly urge this Committee to move this measure forward. Thank you for the opportunity to testify on this measure.

Mahalo,

Martha Townsend
Director

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hawaiifishingfanatic@gmail.com
Subject: Submitted testimony for SB2163 on Feb 1, 2016 14:45PM
Date: Sunday, January 31, 2016 11:26:45 PM

SB2163

Submitted on: 1/31/2016

Testimony for WLA on Feb 1, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments: In support of having this legislation passed to satisfy notification requirements that have hindered City and State agencies from enforcing violations that are detrimental to the public trust in addressing citizens concerns in a timely matter. It is time for the Committee of Water, Land and Agriculture to close a loophole and support the use of enforcement and fines to deter further land use violations.

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