STAND. COM. REP. NO. 373

Honolulu, Hawaii

Fz - 18, 2009

RE: H.B. No. 1713 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1713 entitled:

"A BILL FOR AN ACT RELATING TO HAZARDS,"

begs leave to report as follows:

The purpose of this bill is to mitigate hazardous situations on private property that may result in falling tree branches, unstable soil and rock conditions, and flooded streams.

This bill authorizes the State, when no emergency exists, to enter onto private property at reasonable times to mitigate hazardous conditions after giving the landowner notice. If entry is denied, the State may obtain a warrant to enter the premises.

Five individuals testified in support of this bill. The Department of Defense supported the intent of this measure.

Your Committee finds that hazardous situations may arise due to landowners who fail to properly maintain their properties. Adjoining or other nearby landowners have little recourse other than costly and time-consuming litigation while a hazardous condition continues or even worsens.

Your Committee has amended this bill by:

- (1) Authorizing the State to recover expenses incurred in mitigating the hazardous situation and specifying that any expenses imposed against the landowner shall be a lien on the landowner's property;
- (2) Changing the effective date to January 1, 2046, to promote further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1713, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1713, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

JON RIKI KARAMATSU, Chair



State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1713	Committee Referral: JUD, FIN	Date	2/10/0	9
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	V		Design the second	
2. ITO, Ken (VC)				
3. BELATTI, Della Au				
4. CABANILLA, Rida	V			
5. CARROLL, Mele				
6. HERKES, Robert N.			E-HULENS SAN	
7. LUKE, Sylvia			Emperor estellare most	Parameter in
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.				
10. MORITA, Hermina M. 11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				5 TO S.

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TOTAL (16)	14			2
The recommendation is: Adopted If joint referral, did not support recommendation. Committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee	ee Duplicate (Yellow) -	- Chief Clerk's Office	Duplicate (Pink) – HMSO