STAND. COM. REP. NO. 815

Honolulu, Hawaii

Merch 6, 2009

RE: H.B. No. 1713

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 1713, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAZARDS,"

begs leave to report as follows:

The purpose of this bill is to authorize the Governor to enter private property to mitigate situations deemed hazardous to the health and safety of the public, following appropriate notice procedures to the owner and occupier.

Several concerned individuals testified in support of this bill. The Department of Defense provided comments.

Your Committee finds that this measure will allow the State to prevent hazardous situations on private property, such as falling branches, unstable rock and soil, and clogged streams and waterways, that may pose a significant risk of harm to adjoining landowners and the general public when property owners fail to properly maintain their properties.

Your Committee has amended this bill by:

(1) Clarifying that the Governor has the authority to determine when a situation is hazardous to the health and safety of the public to warrant entering onto private property for mitigation of the hazard;

- (2) Deleting the reference to tree removal from the list of examples of hazardous conditions that authorizes the Governor to enter onto private property, to prevent burdening limited civil defense resources; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1713, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1713, H.D. 2.

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

MARCUS R. OSHIRO, Chair

## State of Hawaii

House of Representatives
The Twenty-fifth Legislature

### Month of Twenty-fifth Legislature

### Month of Twen

## **Record of Votes of the Committee on Finance**

Bill/Resolution No.: Committee Referral: Date: 78777  HB1713, HD1(HSCR3B) JUD, FIN Feb 37, 2009				
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Pass short form bill with HD to recommit for future public hearing (recommit)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	V			
2. LEE, Marilyn B. (VC)				
3. AQUINO, Henry J.C.	- - -			
4. AWANA, Karen Leinani	<u></u>			
5. BROWER, Tom				
6. CHOY, Isaac W.				
7. COFFMAN, Denny				
8. HAR, Sharon E.				
9. KEITH-AGARAN, Gilbert S.C.	مست			
10. LEE, Chris				
11. NISHIMOTO, Scott Y.				
12. SAGUM, Roland D., III				
13. TOKIOKA, James Kunane				
14. WOOLEY, Jessica				
15. YAMASHITA, Kyle T.				
16. PINE, Kymberly Marcos				
17. WARD, Gene				
	1.			
		-		
TOTAL (17)	15			2
The recommendation is: Adopted   Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature: May 3. Lel				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				