

STAND. COM. REP. NO.

1018

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 1713
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred H.B. No. 1713, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HAZARDS,"

begs leave to report as follows:

The purpose of this measure 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.

Testimony in support of this measure was submitted by one private organization and five individuals. Comments on this measure were submitted by one state agency and one private organization. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure will allow the State to prevent hazardous situations on private property, such as falling trees or 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 also finds that preserving previously appropriated funds to reduce or minimize the hazardous situations identified in this measure is vital to provide the appropriate state agencies with the moneys to mitigate hazardous situations.



Your Committee has amended this measure by:

- (1) Increasing the Governor's five day notice requirement to the landowner and occupier of private property before entering on the private property to a ten day notice requirement;
- (2) Extending the lapsing date for the remaining unexpended appropriations granted under Act 78, Session Laws of Hawaii 2007, from June 30, 2009, to June 30, 2010. Act 78 appropriated funds in response to the Kiholo Bay earthquake disaster that occurred on October 15, 2006;
- (3) Adding dangerous trees or branches that pose a falling hazard to the list of situations that are hazardous to the health and safety of the public and that the Governor is authorized to mitigate; and
- (4) Making a technical, nonsubstantive amendment for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1713, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1713, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,



WILL ESPERO, Chair



