

JAN 27 2016

A BILL FOR AN ACT

RELATING TO HAZARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 127A-18, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Even in the absence of an emergency or disaster, the
4 governor may authorize designated state employees, agents,
5 contractors, or representatives to enter private property at
6 reasonable times to mitigate situations deemed by the governor
7 to be hazardous to the health and safety of the public; provided
8 that this section shall be applicable only to the following
9 actions:

10 (1) Cutting, trimming, or removing dangerous trees, roots
11 or other portions of trees, whether above or below
12 ground, or branches that pose a hazard to other
13 properties;

14 (2) Stabilizing or removing unstable rock and soil
15 hazards; or

16 (3) Cleaning streams and waterways to mitigate or prevent
17 flooding or other hazards;



1 provided further that at least ten days' written notice shall be
 2 provided to the landowner and to the occupier of the private
 3 property of the governor's intention to authorize designated
 4 state employees, agents, contractors, or representatives to
 5 enter the property to mitigate the hazardous situation; provided
 6 further that the landowner or occupier shall be given a
 7 reasonable opportunity to mitigate the hazardous situation
 8 without assistance of the State before designated state
 9 employees, agents, contractors, or representatives may enter the
 10 property."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

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S.B. NO. 2751

Report Title:

Hazard Mitigation; Private Property

Description:

Expands the authority of designated state employees, when authorized by the governor, even when no emergency exists, to enter on private property to mitigate hazardous situations, including tree roots and parts below and above ground, after giving the landowner notice and a reasonable opportunity to mitigate the hazardous situation without assistance of the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

