STAND. COM. REP. NO. 311

Honolulu, Hawaii

MAR 2 2 2019

RE: H.B. No. 213

H.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 213, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize a property owner or agent to enter vacant, adjacent, or private property to control albizia trees to prevent or address hazardous conditions, subject to certain conditions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Mayor of the County of Hawaii, Hawaiian Electric Companies, Big Island Invasive Species Committee, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that due to albizia trees' height of up to two hundred fifty feet and brittle branches, these trees pose a threat not only to properties on which they are rooted but also to adjacent properties where branches and other debris may fall during high winds. This invasive species can be hazardous to residents, travelers, first responders, and anyone in the vicinity of its brittle limbs. Your Committee further finds that the ability of landowners to control albizia trees on adjacent

properties may decrease health and safety risks associated with these trees.

Your Committee requests that your Committee on Judiciary consider the testimony of the Department of Land and Natural Resources that liability for injuries incurred from tree removal may need to be addressed and the testimony of the Mayor of the County of Hawaii that the term "control" should be clarified to indicate that controlling albizia trees means the felling and removal of albizia trees, not merely tree trimming.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 213, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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

Clerence K Spishiker CLARENCE K. NISHIHARA, Chair

The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral:		[Date:	
HB213, HD1	PSM, JDC			3/14/19	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye /	Aye (WR)) Nay	Excused
NISHIHARA, Clarence K. (C)					
WAKAI, Glenn (VC)					
BAKER, Rosalyn H.		V /			
HARIMOTO, Breene					
FEVELLA, Kurt					V
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TOTAL		4	Ø	0	1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes