

JAN 27 2021

A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

1 SECTION 1. Section 127A-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~127A-18~~§~~ **Mitigation of hazardous situations.** (a)

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

10 (1) Cutting, trimming, or removing dangerous trees or
11 branches that pose a hazard to other properties;

12 (2) Stabilizing or removing unstable rock and soil
13 hazards; ~~or~~

14 (3) Cleaning streams and waterways to mitigate or prevent
15 flooding; or

16 (4) Additional natural hazards;

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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 (b) Written notice sent to the landowner's last known
12 address by certified mail, postage prepaid, return receipt
13 requested, shall be deemed sufficient notice. If land ownership
14 cannot be determined, notice shall be given once in a daily or
15 weekly publication of general circulation in the county in which
16 any action or proposed action will be taken.

17 (c) If entry is refused, the governor may apply to the
18 district court in the circuit in which the property is located
19 for a warrant to enter the premises. The district court may
20 issue a warrant directing the chief of the appropriate county
21 police to assist the governor in gaining entry onto the premises
22 during regular working hours or at other reasonable times.

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1 (d) The governor may seek recovery and reimbursement, by
2 appropriate proceedings, of all costs and expenses incurred in
3 the mitigation of a hazardous situation under this section, and
4 any costs and expenses imposed against any landowner shall be a
5 lien upon the landowner's property.

6 (e) This section shall take effect only upon authorization
7 and funding for personnel to administer the program.

8 (f) There is established in the state treasury the hazard
9 mitigation special fund, into which shall be deposited:

10 (1) All revenues from any recovery or reimbursement
11 pursuant to this section; and

12 (2) Appropriations made by the legislature for deposit
13 into the fund.

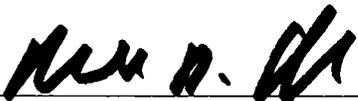
14 (g) Moneys in the hazard mitigation special fund shall be
15 used for personnel costs and operating and administrative costs
16 deemed necessary by the agency to administer this section."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 1107

Report Title:

Hawaii Emergency Management Agency

Description:

Establishes the hazard mitigation special fund for the Hawaii Emergency Management Agency.

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

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JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

PURPOSE: The purpose of this bill is to establish the Hazard Mitigation Special Fund to allow the Hawaii Emergency Management Agency the ability to monitor its own hazard mitigation projects.

MEANS: Amend section 127A-18, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 127A-18 authorizes the Governor (in the absence of an emergency or disaster) to designate state employees, agents, contractors, or representatives to enter private property at reasonable times to mitigate situations deemed by the Governor to be hazardous to the health and safety of the public for situations related to

- (1) cutting, trimming, or removing dangerous trees or branches that pose a hazard to other properties;
- (2) stabilizing or removing unstable rock and soil hazards;
- (3) cleaning streams and waterways to mitigate or prevent flooding; or
- (4) Additional natural hazards.

Establishing a mitigation special fund will allow the Hawaii Emergency Management Agency to manage hazardous mitigation and meet the intent of section 127A-1, and allow the use of legislative appropriations, other mitigation grants, and recovery and reimbursements.

Additionally, other states support hazard mitigation funding and have garnered successful results.

Impact on the public: The establishment of the Hazardous Mitigation Special Fund will increase public health and safety by providing funds to address the three (3) hazardous mitigation conditions defined in section 127A-18.

Impact on the department and other agencies: Positive impact to the Department of Defense & HIEMA and other agencies, such as the Department of Transportation and public utilities by providing specific funding to address hazardous mitigation and improve response time to roads and utilities that may otherwise be affected. No known negative impact to other departments.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM
DESIGNATION: DEF 110.

OTHER AFFECTED
AGENCIES: Department of Transportation,
Department of Land & Natural
Resources.

EFFECTIVE DATE: Upon approval.