

ACT 121

H.B. NO. 144

A Bill for an Act Relating to the Mitigation of Hazardous Situations Statewide.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 127A-18, Hawaii Revised Statutes, allows the governor to authorize designated state employees, agents, contractors, or representatives, when no emergency exists, 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. The landowner and occupier are given notice and a reasonable opportunity to mitigate the hazardous situation without assistance of the State. If state assistance is required, the State may seek recovery and reimbursement of costs and expenses.

This program has proven to be very effective in mitigating hazards within the State. As of November 30, 2016, a total of five hundred ninety-eight cases were received, of which four hundred seventy-four were resolved and closed. The majority of these closed cases resulted from outreach and mediation efforts by the Hawaii emergency management agency between the complainant and property owner. During the 2016 Tropical Storm Darby event, minimal damage was reported by the counties from downed albizia trees and other hazards. This is in sharp contrast to the major damage to highways, power lines, and homes caused by downed albizia trees on the island of Hawaii during Tropical Storm Iselle in 2014. This improvement was due largely to the mitigation of hazardous situations program and other culling projects conducted by the counties and other organizations.

Funding for this program in the amount of \$1,000,000 was appropriated by Act 122, Session Laws of Hawaii 2014. This funding will lapse on June 30, 2017. As of November 30, 2016, approximately \$463,823 of the funding has been obligated with \$536,177 remaining. The purpose of this Act is to reauthorize the remaining funds to be available for the program.

SECTION 2. Act 134, Session Laws of Hawaii 2013, as amended by Act 122, Session Laws of Hawaii 2014, is amended by amending section 26.1 to read as follows:

“SECTION 26.1. Provided that of the general fund appropriation for amelioration of physical disaster (DEF 110), the sum of [~~\$1,000,000~~] \$463,823 or so much thereof as may be necessary for fiscal year 2014-2015 shall be expended for the purpose of mitigating hazardous situations statewide in accordance with section [~~128-10-3,~~] 127A-18, Hawaii Revised Statutes; provided further that any funds not expended for this purpose shall not lapse to the general fund at the end of the fiscal year appropriated but shall be carried forward into subsequent years; and provided further that any unexpended funds shall lapse to the general fund on June 30, 2017.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$536,177 or so much thereof as may be necessary for fiscal year 2017-2018 to be expended for the purpose of mitigating hazardous situations statewide in accordance with section 127A-18, Hawaii Revised Statutes; provided that any funds not expended for this purpose shall not lapse to the general fund at the end of the fiscal year appropriated but shall be carried forward into subsequent years; and provided further that any unexpended funds shall lapse to the general fund on June 30, 2020.

The sum appropriated shall be expended by the department of defense for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2017.

(Approved July 10, 2017.)