

ACT 249

S.B. NO. 1107

A Bill for an Act Relating to the Hawaii Emergency Management Agency.

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

SECTION 1. Chapter 127A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§127A- Hazard mitigation special fund. (a) There is established in the state treasury the hazard mitigation special fund, into which shall be deposited:

- (1) All revenues from any recovery or reimbursement pursuant to section 127A-18;
- (2) Appropriations made by the legislature for deposit into the fund;
- (3) All contributions from public or private partners; and
- (4) All interest earned on or accrued to moneys deposited in the special fund.

(b) Moneys in the hazard mitigation special fund shall be used for personnel costs and operating and administrative costs deemed necessary by the agency to administer section 127A-18.”

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

“(a) Even in the absence of an emergency or disaster, the governor may authorize designated 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; provided that this section shall be applicable only to the following actions:

- (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; ~~[or]~~
- (3) Cleaning streams and waterways to mitigate or prevent flooding; or ~~[other]~~
- (4) Additional natural hazards;

provided further that at least ten days’ written notice shall be provided to the landowner and to the occupier of the private property of the governor’s intention to authorize designated state employees, agents, contractors, or representatives to enter the property to mitigate the hazardous situation; provided further that the landowner or occupier shall be given a reasonable opportunity to mitigate the hazardous situation without assistance of the State before designated state employees, agents, contractors, or representatives may enter the property.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the hazard mitigation special fund.

SECTION 4. There is appropriated out of the hazard mitigation special fund the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for personnel costs and operating and administrative costs to administer section 127A-18, Hawaii Revised Statutes.

The sum appropriated shall be expended by the Hawaii emergency management agency for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.