

STAND. COM. REP. NO. 373

Honolulu, Hawaii

Feb 18, 2009

RE: H.B. No. 1713  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1713 entitled:

"A BILL FOR AN ACT RELATING TO HAZARDS,"

begs leave to report as follows:

The purpose of this bill is to mitigate hazardous situations on private property that may result in falling tree branches, unstable soil and rock conditions, and flooded streams.

This bill authorizes the State, when no emergency exists, to enter onto private property at reasonable times to mitigate hazardous conditions after giving the landowner notice. If entry is denied, the State may obtain a warrant to enter the premises.

Five individuals testified in support of this bill. The Department of Defense supported the intent of this measure.

Your Committee finds that hazardous situations may arise due to landowners who fail to properly maintain their properties. Adjoining or other nearby landowners have little recourse other than costly and time-consuming litigation while a hazardous condition continues or even worsens.



Your Committee has amended this bill by:

- (1) Authorizing the State to recover expenses incurred in mitigating the hazardous situation and specifying that any expenses imposed against the landowner shall be a lien on the landowner's property;
- (2) Changing the effective date to January 1, 2046, to promote further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1713, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1713, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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JON RIKI KARAMATSU, Chair



