

STAND. COM. REP. NO. 815

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1713
H.D. 2

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 1713, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAZARDS,"

begs leave to report as follows:

The purpose of this bill is to authorize the Governor to enter private property to mitigate situations deemed hazardous to the health and safety of the public, following appropriate notice procedures to the owner and occupier.

Several concerned individuals testified in support of this bill. The Department of Defense provided comments.

Your Committee finds that this measure will allow the State to prevent hazardous situations on private property, such as falling branches, unstable rock and soil, and clogged streams and waterways, that may pose a significant risk of harm to adjoining landowners and the general public when property owners fail to properly maintain their properties.

Your Committee has amended this bill by:

- (1) Clarifying that the Governor has the authority to determine when a situation is hazardous to the health and safety of the public to warrant entering onto private property for mitigation of the hazard;

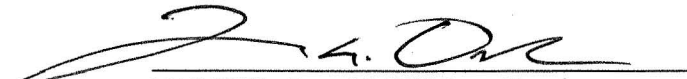
HB1713 HD2 HSCR FIN HMS 2009-2854



- (2) Deleting the reference to tree removal from the list of examples of hazardous conditions that authorizes the Governor to enter onto private property, to prevent burdening limited civil defense resources; and
- (3) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1713, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1713, H.D. 2.

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


MARCUS R. OSHIRO, Chair



