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## A BILL FOR AN ACT

RELATING TO MITIGATION OF HAZARDOUS SITUATIONS.

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

1           SECTION 1. The legislature finds that section 127A-18,  
2 Hawaii Revised Statutes, authorizes the governor to allow state  
3 employees, agents, contractors, or representatives to enter  
4 private property to mitigate situations deemed to be hazardous  
5 to the health and safety of the public.

6           The legislature also finds that the Hawaii emergency  
7 management agency must have authorization and funding for the  
8 hiring of designated personnel to oversee the mitigation of  
9 hazardous situations program and carry out the duties identified  
10 in section 127A-18, Hawaii Revised Statutes. Currently, there  
11 is no funding available to the Hawaii emergency management  
12 agency for the hiring of designated personnel to oversee and  
13 administer the program.

14           The purpose of this Act is to provide personnel and funds  
15 to the Hawaii emergency management agency in order to effectuate  
16 section 127A-18, Hawaii Revised Statutes.



1 SECTION 2. 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 other hazards;

16 provided further that at least ten days' written notice shall be  
17 provided to the landowner and to the occupier of the private  
18 property of the governor's intention to authorize designated  
19 state employees, agents, contractors, or representatives to  
20 enter the property to mitigate the hazardous situation; provided  
21 further that the landowner or occupier shall be given a



1 reasonable opportunity to mitigate the hazardous situation  
2 without assistance of the State before designated state  
3 employees, agents, contractors, or representatives may enter the  
4 property.

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

11 (c) If entry is refused, the governor may apply to the  
12 district court in the circuit in which the property is located  
13 for a warrant to enter the premises. The district court may  
14 issue a warrant directing the chief of the appropriate county  
15 police to assist the governor in gaining entry onto the premises  
16 during regular working hours or at other reasonable times.

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



1        (e) The director shall hire a coordinator and a  
2 contracting specialist to oversee all aspects of the program and  
3 ensure proper fiscal oversight.

4        [~~e~~] (f) This section shall take effect [~~only~~] upon  
5 authorization and funding for personnel to administer the  
6 program~~[-]~~ pursuant to Act        , Session Laws of Hawaii 2015."

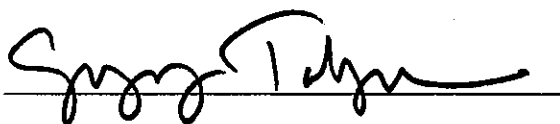
7        SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$        or so much  
9 thereof as may be necessary for fiscal year 2015-2016 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2016-2017 for the director of the Hawaii emergency management  
12 agency to establish one coordinator position and one contracting  
13 specialist position pursuant to this Act.

14        The sums appropriated shall be expended by the department  
15 of defense for the purposes of this Act.

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

18        SECTION 5. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: 

JAN 29 2015



# H.B. NO. 1344

**Report Title:**

Department of Defense; Mitigation of Hazardous Situations

**Description:**

Authorizes two positions to oversee the mitigation of hazardous situations program in the department of defense and appropriates funding.

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

