
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.

19

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.

HB HMS 2015-1453



yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 8:59 AM
To: pbstestimony
Cc: gyoshimoto@scd.hawaii.gov
Subject: Submitted testimony for HB1344 on Feb 12, 2015 09:00AM
Attachments: HB1344 DOD Testimony PBS 15.02.12.pdf

HB1344

Submitted on: 2/11/2015

Testimony for PBS on Feb 12, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Galen Yoshimoto	State Department of Defense	Support	No

Comments: Submitted in behalf of Brig Gen Arthur Logan, Adjutant General and Director of the Hawaii Emergency Management Agency

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1344
A BILL RELATING TO PUBLIC SAFETY

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY
BRIGADIER GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
AND DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
February 12, 2015

Chair Takayama, Vice Chair Yamashita and Members of the House Committee on Public Safety:

I am Brigadier General Arthur J. Logan, State Adjutant General and the Director of the Hawaii Emergency Management Agency. I am testifying in **SUPPORT** of House Bill 1344.

This measure provides for the establishment and funding of two positions in the Hawaii Emergency Management Agency (HI-EMA) that will support Act 76 (Chapter 127A-18 of HRS).

Currently HI-EMA support Act 76 activities "out of hide". There is a restriction to use HI-EMA employees who are funded by federal grant money.

HI-EMA provides the following statistics

To date our agency has received 308 complaints about trees that have the potential to cause harm to the public. We have closed 184 cases by contacting the responsible property owner and informing him/her of their responsibility, and they have taken action to remove the threat to public safety. This leaves 124 cases to investigate.

The mitigation of dangerous situations to the public will be better served by the establishment of these two positions.

Thank you for allowing me to testify in **SUPPORT** of House Bill 1344.

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 8:57 AM
To: pbstestimony
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HB1344

Submitted on: 2/11/2015

Testimony for PBS on Feb 12, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Galen Yoshimoto	State Civil Defense	Support	Yes

Comments: Submitted in behalf of Doug Mayne, Administrator of the Hawaii Emergency Management Agency

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STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HB 1344

PRESENTATION TO THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY

DOUG MAYNE
ADMINISTRATOR OF EMERGENCY MANAGEMENT
February 10, 2015

Chair Takayama, Vice Chair Yamashita and Members of the House Committee on Public Safety.

I am Doug Mayne and I am the Administrator of the Hawaii Emergency Management Agency (HI-EMA). I am testifying in **SUPPORT** of HB 1344.

House Bill 1344 provides for the establishment and funding of two positions to support Chapter 127A, Section 18 of the Hawaii Revised Statutes, commonly referred to as Act 76. This chapter allows the Governor to designate state employees to enter private property to mitigate hazardous situations impacting public safety. The mitigation is limited to hazardous trees, rocks and streams.

The work outlined in HRS 127A-18 / Act 76 is not eligible to be covered by the federal grant that pays for over half of the salaries of HI-EMA employees. I should not be using any of my current employees for this work. To effectively carry out the intent of HRS 127A-18, I need two 100% state-funded positions: an SR24 Civil Defense Planner and an SR13 Contracts Assistant I. Together, these positions will cost approximately \$89,124 per year in salaries. We cannot continue to meet the intent of HRS 127A-18 without these positions.

To date our agency has received 308 complaints about trees that have the potential to cause harm to the public. We have closed 184 cases by contacting the responsible property owner and informing him/her of their responsibility, and they have taken action to remove the threat to public safety. This leaves 124 cases that we must investigate. If these cases involve an immediate threat to public safety, we may need to take action to mitigate.

The legislature provided \$1 million to support this program during the 2014 session. Using this funding, HI-EMA has executed contracts to cut down three of the most dangerous trees at a cost of \$96,000. That leaves over 60 high priority sites, some with multiple trees, to evaluate and mitigate. Our current plan is to hire an arborist to develop a mitigation strategy and then contract with tree trimming companies to implement the mitigation strategy identified. This requires a great deal of travel, program and contract management, and public outreach. I need the two additional positions to carry out the Legislature's intent in keeping the public safe.

Thank you for allowing me to testify in **SUPPORT** of HB 1344.