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# A BILL FOR AN ACT

RELATING TO THE MITIGATION OF HAZARDOUS SITUATIONS STATEWIDE.

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

1           SECTION 1. Section 127A-18, Hawaii Revised Statutes, allows  
2 the Governor to authorize designated state employees, agents,  
3 contractors, or representatives, when no emergency exists, to  
4 enter private property at reasonable times to mitigate  
5 situations deemed by the Governor to be hazardous to the health  
6 and safety of the public. The landowner and occupier are given  
7 notice and a reasonable opportunity to mitigate the hazardous  
8 situation without assistance of the State. If state assistance  
9 is required, the State may seek recovery and reimbursement of  
10 costs and expenses.

11           This program has proven to be very effective in mitigating  
12 hazards within the State. As of November 30, 2016, a total of  
13 598 cases were received, of which 474 were resolved and closed.  
14 The majority of these closed cases resulted from outreach and  
15 mediation efforts by the Hawaii emergency management agency  
16 between the complainant and property owner. During the 2016  
17 Tropical Storm Darby event, minimal damage was reported by the



1 counties from downed albizia trees and other hazards. This is  
2 in sharp contrast to the major damage to highways, power lines,  
3 and homes caused by downed albizia trees on the island of Hawaii  
4 during Tropical Storm Iselle in 2014. This improvement was due  
5 largely to the mitigation of hazardous situations program and  
6 other culling projects conducted by the counties and other  
7 organizations.

8 Funding for this program in the amount of \$1,000,000 was  
9 appropriated by Act 122, Session Laws of Hawaii 2014. This  
10 funding will lapse on June 30, 2017. As of November 30, 2016,  
11 approximately \$ of the funding have been obligated with  
12 \$ remaining. The purpose of this Act is to reauthorize  
13 the remaining funds to be available for the program.

14 SECTION 2. Act 134, Session Laws of Hawaii 2013, as  
15 amended by Act 122, Session Laws of Hawaii 2014, is amended by  
16 amending section 26.1 to read as follows:

17 "SECTION 26.1. Provided that of the general fund  
18 appropriation for amelioration of physical disaster (DEF 110),  
19 the sum of [~~\$1,000,000~~] \$ \_\_\_\_\_ or so much thereof as may be  
20 necessary for fiscal year 2014-2015 shall be expended for the  
21 purpose of mitigating hazardous situations statewide in



1 accordance with section [~~128-10-37~~] 127A-18, Hawaii Revised  
 2 Statutes; provided further that any funds not expended for this  
 3 purpose shall not lapse to the general fund at the end of the  
 4 fiscal year appropriated but shall be carried forward into  
 5 subsequent years; and provided further that any unexpended funds  
 6 shall lapse to the general fund on June 30, 2017."

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 2017-2018 to be  
 10 expended for the purpose of mitigating hazardous situations  
 11 statewide in accordance with section 127A-18, Hawaii Revised  
 12 Statutes; provided that any funds not expended for this purpose  
 13 shall not lapse to the general fund at the end of the fiscal  
 14 year appropriated but shall be carried forward into subsequent  
 15 years; and provided further that any unexpended funds shall  
 16 lapse to the general fund on June 30, 2020.

17 The sum appropriated shall be expended by the department of  
 18 defense for the purposes of this Act.

19 SECTION 4. Statutory material to be repealed is bracketed  
 20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2030.



**Report Title:**

Mitigation of Hazardous Situations Statewide

**Description:**

Appropriates moneys for the mitigating of hazardous situations based on an appropriation that is scheduled to lapse on June 30, 2017. (HB144 HD1)

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

