

---

---

# A BILL FOR AN ACT

RELATING TO PUBLIC REAL PROPERTY.

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

1 **PART I**

2 SECTION 1. The purpose of this part is to provide for the  
3 removal from state real property of debris and litter deposited  
4 by occupants of illegal encampments.

5 More specifically, this part requires a department  
6 designated by the governor to establish a temporary program for  
7 the removal of debris and litter from state real property after  
8 the departure of persons known or suspected to have illegally or  
9 without permission camped or lodged on the state real property.  
10 The program applies to state real property under the control and  
11 management of state agencies, including the judiciary, that  
12 choose to participate in the program.

13 The legislature intends that the temporary program take a  
14 consolidated approach to cleaning state real property after the  
15 departure of persons who illegally or without permission camped  
16 or lodged there. At present, many different state agencies  
17 control and manage state real property. The legislature finds  
18 that consolidating cleanup efforts should result in efficiencies



1 and cost savings to the State. The legislature further finds  
2 that the governor is the appropriate authority to designate the  
3 state executive department that should be responsible for the  
4 program.

5 The legislature also intends that the temporary cleanup  
6 program under this part be operated in conjunction and  
7 coordination with the temporary sheriff patrol program under  
8 part II of this Act.

9 The legislature further intends to later evaluate the  
10 temporary program to determine whether it should be extended,  
11 permanently established, or terminated.

12 SECTION 2. Definitions. For the purpose of this part:

13 "Designated state department" means the state executive  
14 department designated by the governor to establish and operate  
15 the temporary cleanup program established under this part.

16 "State real property" means real property under the  
17 ownership, control, or management of the State, except real  
18 property leased, assigned, or otherwise conveyed by a state  
19 agency to the federal government, a county government, or a  
20 private person.



1 SECTION 3. Temporary cleanup program; state department  
2 designation, establishment, operation. (a) The governor shall  
3 designate a state executive department to establish a temporary  
4 cleanup program for state real property.

5 (b) Under the temporary cleanup program, the designated  
6 state department shall be responsible for:

- 7 (1) The cleanup of state real property of debris and  
8 litter after the departure of persons known or  
9 suspected to have illegally or without permission  
10 camped or lodged on the state real property;
- 11 (2) The temporary storage of personal property collected  
12 during the cleanup of the state real property until  
13 claimed by the owner of the personal property;
- 14 (3) Establishment of a maximum time period for which the  
15 designated state department will store the personal  
16 property collected during the cleanup of the state  
17 real property; and
- 18 (4) Disposal of personal property that is unclaimed upon  
19 the expiration of the time period established in  
20 paragraph (3).



1           The designated state department shall consult with the  
2 department of the attorney general when setting the time period  
3 to be established pursuant to paragraph (3).

4           (c) The designated state department may:

5           (1) Operate the program directly; or

6           (2) Enter into a memorandum of agreement with a county  
7 agency to perform the cleanup and temporary storage of  
8 personal property on behalf of the designated state  
9 department.

10          (d) The designated state department shall operate the  
11 temporary cleanup program in conjunction and coordination with  
12 the temporary sheriff patrol program established under part II  
13 of this Act.

14          SECTION 4. State real property subject to temporary  
15 cleanup program. (a) The temporary cleanup program shall apply  
16 to:

17          (1) State real property under the control and management  
18 of the designated state department; and

19          (2) State real property under the ownership, control, or  
20 management of any other state agency that enters into  
21 a memorandum of agreement with both the:



1 (A) Designated state department to participate in the  
2 temporary cleanup program; and

3 (B) Department of public safety to participate in the  
4 temporary sheriff patrol program established  
5 under part II of this Act.

6 For the purpose of this paragraph, "state agency"  
7 includes the judiciary, but excludes the office of  
8 Hawaiian affairs.

9 (b) Nothing in this part shall prohibit a state agency  
10 from engaging in the cleanup of its own state real property or  
11 require a state agency to participate in the temporary program.

12 SECTION 5. No charge to other state agencies. For the  
13 duration of the temporary cleanup program, the designated state  
14 department shall not charge any participating state agency for  
15 the cleanup of the state real property under the ownership,  
16 control, or management of the state agency.

17 SECTION 6. Temporary cleanup program; planning and  
18 preparation, commencement, termination. (a) Before August 1,  
19 2017, the governor shall designate the state executive  
20 department to serve as the "designated state department"  
21 referenced in this part.



1 (b) As of the effective date of the designation, the  
2 designated state department shall plan and prepare to implement  
3 the temporary cleanup program established under this part.

4 (c) The designated state department shall commence  
5 operation of the temporary cleanup program in accordance with  
6 this part on January 1, 2018.

7 The designated state department shall operate the temporary  
8 cleanup program until June 30, 2019. The temporary program  
9 shall terminate on June 30, 2019.

10 SECTION 7. Appropriations. (a) There is appropriated out  
11 of the general revenues of the State of Hawaii the sum of  
12 \$787,500 or so much thereof as may be necessary for fiscal year  
13 2017-2018 as follows:

14 (1) \$50,000 to be expended from July 1, 2017, to  
15 December 31, 2017, for planning and preparation for  
16 implementation of the temporary program to clean state  
17 real property established under this part; and

18 (2) \$737,500 for implementation and operation of the  
19 temporary program from January 1, 2018, until June 30,  
20 2018.



1 (b) There is appropriated out of the general revenues of  
2 the State of Hawaii the sum of \$1,475,000 or so much thereof as  
3 may be necessary for fiscal year 2018-2019 for the operation of  
4 the temporary cleanup program from July 1, 2018 to June 30,  
5 2019, and the preparation of the report required under section 8  
6 of this Act.

7 (c) The sums appropriated under subsections (a) and (b)  
8 shall be expended by the designated state department for the  
9 purposes of this part.

10 SECTION 8. Report, recommendation on temporary cleanup  
11 program and temporary sheriff patrol program. (a) No later  
12 than twenty days prior to the convening of the regular session  
13 of 2019, the designated state department shall submit a report  
14 to the legislature regarding the implementation of the temporary  
15 cleanup program established under this part and the temporary  
16 sheriff patrol program established under part II of this Act.  
17 The report shall include a recommendation on whether to extend  
18 the temporary programs, permanently establish the programs, or  
19 terminate the programs.



1 (b) If the designated state department recommends that the  
2 programs be permanently established, the report shall include  
3 the:

- 4 (1) Projected annual cost of operating the permanent  
5 programs;
- 6 (2) Number and type of positions needed for the permanent  
7 programs; and
- 8 (3) Method proposed to deliver the consolidated cleanup  
9 and patrol services of the programs, whether by the  
10 designated state department and department of public  
11 safety, another state agency, contract with a county,  
12 or contract with a private entity.

13 (c) When preparing the report, the designated state  
14 department shall consult with the department of public safety.

15 **PART II**

16 SECTION 9. The legislature finds that if laws and rules  
17 are not enforced, violators may believe that there are no  
18 consequences to the violations, may become more brazen and  
19 continue the violations, or may feel emboldened to violate  
20 other, more serious laws and rules. The result is detrimental  
21 to public safety and should not be tolerated.





1           The purpose of this part is to require the department of  
2 public safety to establish a temporary sheriff patrol program  
3 for the enforcement of laws and rules prohibiting trespassing,  
4 camping, or being present after closing hours on state real  
5 property. The temporary program is intended to apply to state  
6 real property under the ownership, control, or management of  
7 state agencies that choose to participate in the program.

8           The legislature intends that the temporary program take a  
9 consolidated approach to enforcing the laws and rules for  
10 participating state agencies. The legislature finds that the  
11 consolidated approach may result in efficiencies and cost  
12 savings to the State.

13           The legislature also intends that the temporary sheriff  
14 patrol program be operated in conjunction and coordination with  
15 the temporary state real property cleanup program under part I  
16 of this Act.

17           The legislature further intends to later evaluate the  
18 temporary program to determine whether it should be extended,  
19 permanently established, or terminated.

20           SECTION 10. Definitions. For the purpose of this part:



1 "Laws prohibiting an individual from trespassing on state  
2 real property" means an offense under section 708-813, 708-814,  
3 708-814.5, or 708-815, Hawaii Revised Statutes.

4 "Laws or rules prohibiting an individual from being present  
5 after closing hours on state real property" means any statute or  
6 rule that prohibits an individual from being on the state real  
7 property when closed to the public; provided that this does not  
8 include laws prohibiting an individual from trespassing on state  
9 real property.

10 "Laws or rules prohibiting an individual from camping on  
11 state real property" means any statute or rule that prohibits  
12 camping on state real property, even when the state real  
13 property is open to the public for non-camping use.

14 "State real property" has the same meaning as in section 2  
15 of this Act.

16 SECTION 11. Temporary sheriff patrol program;  
17 establishment, operation. (a) The department of public safety  
18 shall establish a temporary sheriff patrol program to enforce  
19 laws prohibiting an individual from trespassing on state real  
20 property, laws and rules prohibiting an individual from being  
21 present after closing hours on state real property, and laws or



1 rules prohibiting an individual from camping on state real  
2 property.

3 The department of public safety shall operate the temporary  
4 sheriff patrol program in conjunction and coordination with the  
5 temporary state real property cleanup program under part I of  
6 this Act.

7 (b) The department of public safety shall operate the  
8 temporary sheriff patrol program by creating a team of deputy  
9 sheriffs to patrol among state real property that is subject to  
10 the temporary program and enforce laws and rules prohibiting  
11 trespassing, camping, or being present after closing hours on  
12 the state real property. The teams shall enforce violations of  
13 the laws or rules with or without receipt of complaints.

14 (c) To the extent possible, when observing or discovering  
15 a violation of a law or rule prohibiting trespassing, camping,  
16 or being present after closing hours on state real property, the  
17 deputy sheriffs first shall request the violator to leave the  
18 state real property. If the violator refuses to leave the state  
19 real property or leaves and then returns to the state real  
20 property in violation of the law or rule, the deputy sheriffs



1 shall take appropriate steps necessary in accordance with the  
2 law.

3 (d) The team of deputy sheriffs may also enforce laws and  
4 rules other than those prohibiting trespassing, camping, or  
5 being present after closing hours on state real property.

6 SECTION 12. State real property subject to temporary  
7 sheriff patrol program. (a) The temporary sheriff patrol  
8 program shall apply to state real property under the ownership,  
9 control, or management of any state agency that enters into a  
10 memorandum of agreement with both the:

11 (1) Department of public safety to participate in the  
12 temporary sheriff patrol program; and

13 (2) Designated state department to participate in the  
14 temporary cleanup program established under part I of  
15 this Act.

16 For the purpose of this subsection, "state agency" includes  
17 the judiciary, but excludes the office of Hawaiian affairs.

18 (b) Nothing in this part shall prohibit any state or  
19 county agency from engaging in its own effort to enforce laws  
20 and rules prohibiting trespassing, camping, or being present



1 after closing hours on state real property under the state  
2 agency's ownership, control, or management.

3 SECTION 13. No charge to other state agencies. For the  
4 duration of the temporary sheriff patrol program, the department  
5 of public safety shall not charge any participating state agency  
6 for participation in the temporary program.

7 SECTION 14. Temporary sheriff patrol program; planning and  
8 preparation, commencement, termination. (a) Beginning on  
9 July 1, 2017, the department of public safety shall plan and  
10 prepare to implement the temporary sheriff patrol program  
11 established under this part.

12 (b) The department of public safety shall commence  
13 operation of the temporary sheriff patrol program in accordance  
14 with this part on January 1, 2018.

15 The department of public safety shall operate the temporary  
16 sheriff patrol program until June 30, 2019. The temporary  
17 program shall terminate on June 30, 2019.

18 SECTION 15. Appropriations. (a) There is appropriated  
19 out of the general revenues of the State of Hawaii the sum of  
20 \$225,000 or so much thereof as may be necessary for fiscal year



1 2017-2018 for the operation of the temporary sheriff patrol  
2 program from January 1, 2018 until June 30, 2018.

3 (b) There is appropriated out of the general revenues of  
4 the State of Hawaii the sum of \$450,000 or so much thereof as  
5 may be necessary for fiscal year 2018-2019 for the operation of  
6 the temporary sheriff patrol program from July 1, 2018 until  
7 June 30, 2019.

8 (c) The sums appropriated under subsections (a) and (b)  
9 shall be expended by the department of public safety for the  
10 purposes of this part.

11 SECTION 16. Temporary positions, authorized. The  
12 department of public safety may establish 2.00 temporary full-  
13 time equivalent deputy sheriff positions, the compensation of  
14 which may be paid from the appropriations under section 15 of  
15 this Act. The department of public safety shall use the  
16 temporary positions to employ deputy sheriffs for the temporary  
17 sheriff patrol program or to backfill for other deputy sheriffs  
18 assigned to the temporary program.

19 SECTION 17. Report by designated state department;  
20 assistance. The department of public safety shall assist the  
21 designated state department in the preparation of the report



1 required to be submitted to the legislature under section 8 of  
2 this Act.

3 When data are requested by the designated state department  
4 on costs and personnel to operate and performance measures of  
5 the temporary sheriff patrol program, the department of public  
6 safety shall provide the data to the extent possible.

7 **PART III**

8 SECTION 18. The purpose of this part is to appropriate  
9 funds for the cleanup of state real property by separate state  
10 agencies during the first half of fiscal year 2017-2018. The  
11 legislature intends that, during the second half of fiscal year  
12 2017-2018, the designated state department be responsible for  
13 the cleanup of state real property under the temporary program  
14 commencing on January 1, 2018 and funded under part I of this  
15 Act.

16 SECTION 19. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$600,000 or so much  
18 thereof as may be necessary for fiscal year 2017-2018 for the  
19 removal of debris and litter left on the real property of the  
20 department of transportation after the departure of persons



1 known or suspected to have illegally or without permission  
2 camped or lodged on the real property.

3 The sum appropriated shall be expended by the department of  
4 transportation for the purposes of this Act.

5 SECTION 20. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$37,500 or so much  
7 thereof as may be necessary for fiscal year 2017-2018 for the  
8 removal of debris and litter left on the real property of the  
9 Hawaii community development authority after the departure of  
10 persons known or suspected to have illegally or without  
11 permission camped or lodged on the real property.

12 The sum appropriated shall be expended by the Hawaii  
13 community development authority for the purposes of this Act.

14 SECTION 21. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$100,000 or so much  
16 thereof as may be necessary for fiscal year 2017-2018 for the  
17 removal of debris and litter left on the real property of the  
18 department of land and natural resources after the departure of  
19 persons known or suspected to have illegally or without  
20 permission camped or lodged on the real property.





1           The sum appropriated shall be expended by the department of  
2 land and natural resources for the purposes of this Act.

3   **PART IV**

4           SECTION 22. This Act shall take effect on July 1, 2017;  
5 provided that parts I and II shall be repealed on June 30, 2019.

6



**Report Title:**

State Property Cleanup Program; Sheriff Patrol Program;  
Appropriation

**Description:**

Establishes a temporary program to clean up state real property after the departure of persons who have illegally camped or lodged on state real property. Requires the Governor to designate the state executive department responsible for the program. Establishes a temporary sheriff patrol program to enforce laws against illegally camping, trespassing, or being present on state real property. Makes appropriations. (SD1)

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

