STAND. COM. REP. NO. 99

Honolulu, Hawaii March 3, 2017

RE: H.B. No. 172 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 172, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to authorize a property owner or the owner's agent to enter adjacent vacant property that is privately-owned under certain conditions and with certain notice requirements to eradicate albizia trees that could become hazardous if left untreated. This measure also provides a defense to criminal prosecution for such eradication, provided it is conducted in compliance with the law.

Big Island Invasive Species Committee, Nanawale Community Association Ltd., Hawaiian Electric Companies, and numerous individuals testified in support of this measure. The Department of Land and Natural Resources, Office of the Mayor of the County of Hawaii, and two concerned individuals commented on this measure.

Your Committee has amended this measure by:

(1) Specifying that the entering owner may use current established methods to remove the albizia trees, which



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include, but are not limited to methods approved by the State Invasive Species Council; and

(2) Making technical, nonsubstantive amendments for clarity, consistency and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 172, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 172, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

NISHIMOTO, Chair



State of Hawaii House of Representatives The Twenty-ninth Legislature

HSCR 991

Record of Votes of the Committee on Judiciary

	Committee Referral: - HOI EEV/WAL, WD		Date: 02/24/2017		
The committee is reconsidering its previous decision	/				
The recommendation is to: □ Pass, unamended □ Pass short form b		ss, with amendments (mmit for future public			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
I. NISHIMOTO, Scott Y. (C)				e e e e e e e e e e e e e e e e e e e	
2. SAN BUENAVENTURA, Joy A. (VC)	/				
3. BELATTI, Della Au					
I. BROWER, Tom	-				
5. JOHANSON, Aaron Ling	1				
5. LEE, Chris	/				
7. MORIKAWA, Dee	/	-			
B. NAKASHIMA, Mark M.	/				
O. OSHIRO, Marcus R.					
to. McDERMOTT, Bob					
1. THIELEN, Cynthia					
·····					
TOTAL (11)	1/				
The recommendation is: Adopted	□ Not/Adop	ted			
If joint referral,	committee acronym	did not suppor	t recommendation		
Vice Chair's or designee's signature:	7-1-1				
Distribution: Original (White) – Committee	Supricate (Yellow)	- Chief Clerk's Office	- Duplicate (P	ink) – HMSO	