

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 464
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land, to which was referred S.B. No. 464 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to authorize a property owner or agent to enter adjacent property under certain conditions to eradicate albizia trees before they become hazardous, and to provide a defense to criminal prosecution for trespassing.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, County of Hawai'i Mayor's Office, one member of the County of Hawai'i County Council, Hawaiian Electric Companies, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc. Your Committees received comments on this measure from the Big Island Invasive Species Committee.

Your Committees find that albizia trees are an invasive species that are prone to breaking and falling during high winds and tropical storms. Fallen albizia trees caused power outages and other structural damage on the island of Hawaii during



tropical storm Iselle in 2014. Albizia trees fell over highways, roads, and driveways in such large numbers during that storm that many people were left trapped in their homes and rescue personnel were prevented from reaching them or, in some cases, returning to their base of operations.

Your Committees further find that albizia trees located on private properties often create hazardous conditions for adjacent properties and that the development of these hazardous conditions should be prevented wherever possible. Albizia trees have been successfully eradicated on many properties, but some property owners have been unresponsive to inquiries from owners of adjacent properties.

Your Committees therefore find that property owners should have the authority to enter adjacent properties to eradicate albizia trees to prevent or address hazardous conditions, subject to certain conditions.


Your Committees have amended this measure by:

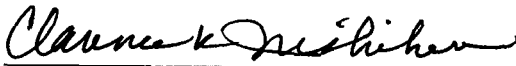
- (1) Requiring the entering party to consult with a tree risk assessment qualification certified arborist, rather than relying on the party's reasonable belief, to confirm the hazardous threat of the trees and potential removal or treatment of the trees according to safe methods, including methods that minimize risk to human health and safety; and
- (2) Requiring written notice to the adjacent property owner with albizia trees prior to entry to ensure that the land is not mistakenly determined to be vacant when it is resting pasture land.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 464, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 464, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Water and Land,


KAIULANI KAMELE, Chair


CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* <i>SB 464</i>	Committee Referral: <i>PSM/WTL, JDC</i>	Date: <i>2/11/19</i>
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene				✓
FEVELLA, Kurt				✓
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>

Recommendation: Adopted Not Adopted

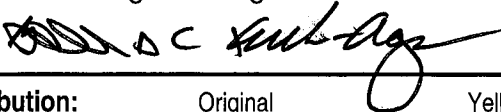
Chair's or Designee's Signature: 

Distribution: Original Yellow Pink Goldenrod
File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SBA104	Committee Referral: FSM/WTL, JDC	Date: 2/11/2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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