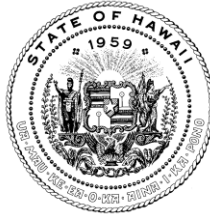


DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
JUDICIARY**

**Monday, March 11, 2019
2:00 PM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 464, SENATE DRAFT 2
RELATING TO PRIVATE PROPERTY**

Senate Bill 464, Senate Draft 2 proposes to authorize a property owner or agent to enter adjacent property under certain conditions to control *Albizia* trees. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

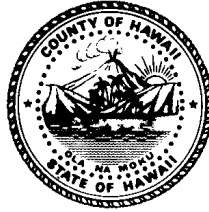
Due to their extreme height and brittle branches, *Albizia* trees pose a threat not only to properties on which they are rooted, but on adjacent properties where branches and other debris may fall during high wind events. The Department recognizes that the ability of landowners to control *Albizia* on adjacent properties may decrease health and safety risks associated with this species.

The Department notes that it may be beneficial to address in the measure issues of liability for any injuries or damages resulting from the removal of an *Albizia* tree.

Thank you for the opportunity to comment on this measure.

Harry Kim
Mayor

LATE



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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March 11, 2019

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
Committee on Judiciary

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

RE: SB 464, SD2 Relating to Private Property

Albizia is an attractive but extremely dangerous invasive species. It is hazardous to residents, travelers, first responders, and anyone in the vicinity of its brittle limbs.

SB 464, SD2, is an attempt to allow landowners, adjacent to a property that has albizia, to take action to deal with the danger, but within clearly defined limits. This provision is worthy of endorsement—laws should be passed that are good for the community, and that are limited so as to assure minimal infringement of the rights of others.

I am concerned that the use of the phrase “control...trees” may not be broad enough to accomplish the purpose of this bill. I believe the intent should be to “fell and remove” such trees as described in (a) (1) (B) of the bill, but “control” might be interpreted as something closer to “trimming.” I would suggest that “control” be replaced by a stronger word or phrase, or a definition be added that states that “control” includes “felling and removal.” Perhaps copy HRS 194-5, also dealing with invasive species, which uses the phrase “control or eradication.”

There is a minor typo on page 2, line 13, where the word “that” is repeated.

I hope you will act favorably on SB 464, SD2.

Respectfully Submitted,


Harry Kim
MAYOR

**TESTIMONY BEFORE THE
HOUSE COMMITTEE ON JUDICIARY**

S.B. 464, SD2

Relating to Private Property

Monday, March 11, 2019
2:00 p.m., Agenda Item #11
State Capitol, Conference Room 325

Sharon Suzuki
President, Maui County and Hawai'i Island Utilities
Hawai'i Electric Light Company & Maui Electric Company

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee,

My name is Sharon Suzuki and I am testifying on behalf of Hawaiian Electric Company Inc. and its subsidiary utilities Maui Electric Company, Limited and Hawai'i Electric Light Company, Inc. ("the Hawaiian Electric Companies") in support of S.B. 464, SD2, Relating to the Private Property.

S.B. 464, SD2 provides that property owners should have the authority to enter adjacent properties to eradicate albizia trees to prevent or address hazardous conditions. Hawaiian Electric Companies support S.B. 464, SD2 for the following reasons:

- Albizia trees are an invasive species, and a hazard to public safety and critical infrastructure.
- Strands of brittle, invasive Albizia trees up to 250 feet tall grow on many public and private properties. Tropical Storm Iselle brought down many Albizia trees, blocked roadways, and caused millions of dollars in damage to homes and important electric utility lines. Broken tree trunks continue

to send out new growth creating even more unstable conditions, while seedlings are rapidly germinating in disturbed areas.

- There are many landowners that either refuse, or fail to respond to repeated notices to control or eradicate invasive species on their property.
- The bill clarifies the conditions upon which an owner or owner's agent can enter adjacent vacant real property to eradicate albizia trees to prevent or address hazardous conditions. These conditions include consulting with a tree arborist and providing written notice.
- The bill also provides a defense to criminal prosecution.

Accordingly, the Hawaiian Electric Companies support S.B. 464, SD2 which will help further efforts to control or eradicate albizia trees. Thank you for this opportunity to testify.

SB-464-SD-2

Submitted on: 3/10/2019 2:01:57 PM

Testimony for JUD on 3/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: