
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. The legislature finds that uprooted and storm-
2 damaged trees, such as those that occurred during hurricane
3 Iselle, can have a devastating impact on emergency services and
4 the residents of an area. Downed trees can cause power and
5 communication outages in addition to blocking roadways needed
6 for evacuation and rescue.

7 The purpose of this Act is to require property owners to
8 maintain trees located on their property in order to minimize
9 storm damage, such as obstructed roadways, disrupted
10 communication lines, and damaged utility lines.

11 SECTION 2. Section 127A-18, Hawaii Revised Statutes, is
12 amended to read as follows:

13 " [4] §127A-18 [1] Mitigation of hazardous situations. (a)
14 Even in the absence of an emergency or disaster, the governor
15 may authorize designated state employees, agents, contractors,
16 or representatives to enter private property at reasonable times
17 to mitigate situations deemed by the governor to be hazardous to



1 the health and safety of the public; provided that this section
2 shall be applicable only to the following actions:

3 (1) Cutting, trimming, or removing dangerous trees or
4 branches that pose a hazard to utility lines and
5 facilities, communication lines, roadways, or other
6 properties;

7 (2) Stabilizing or removing unstable rock and soil
8 hazards; or

9 (3) Cleaning streams and waterways to mitigate or prevent
10 flooding or other hazards;

11 provided further that at least ten days' written notice shall be
12 provided to the landowner and to the occupier of the private
13 property of the governor's intention to authorize designated
14 state employees, agents, contractors, or representatives to
15 enter the property to mitigate the hazardous situation; provided
16 further that the landowner or occupier shall be given a
17 reasonable opportunity to mitigate the hazardous situation
18 without assistance of the State before designated state
19 employees, agents, contractors, or representatives may enter the
20 property.



1 (b) Written notice sent to the landowner's last known
2 address by certified mail, postage prepaid, return receipt
3 requested, shall be deemed sufficient notice. If land ownership
4 cannot be determined, notice shall be given once in a daily or
5 weekly publication of general circulation in the county in which
6 any action or proposed action will be taken.

7 (c) If entry is refused, the governor may apply to the
8 district court in the circuit in which the property is located
9 for a warrant to enter the premises. The district court may
10 issue a warrant directing the chief of the appropriate county
11 police to assist the governor in gaining entry onto the premises
12 during regular working hours or at other reasonable times.

13 (d) Any landowner of a private property that is entered
14 for the purpose of mitigating a hazardous situation pursuant to
15 subsection (a) (1) shall be assessed a fine of \$150 per day that
16 a designated state employee, agent, contractor, or
17 representative must remain on the landowner's property to
18 mitigate the hazardous situation.

19 [~~d~~] (e) The governor may seek recovery and
20 reimbursement, by appropriate proceedings, of all costs and
21 expenses incurred in the mitigation of a hazardous situation



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1 under this section, and any fines, costs, and expenses imposed
 2 against any landowner shall be a lien upon the landowner's
 3 property.

4 ~~(e)~~ (f) This section shall take effect only upon
 5 authorization and funding for personnel to administer the
 6 program."

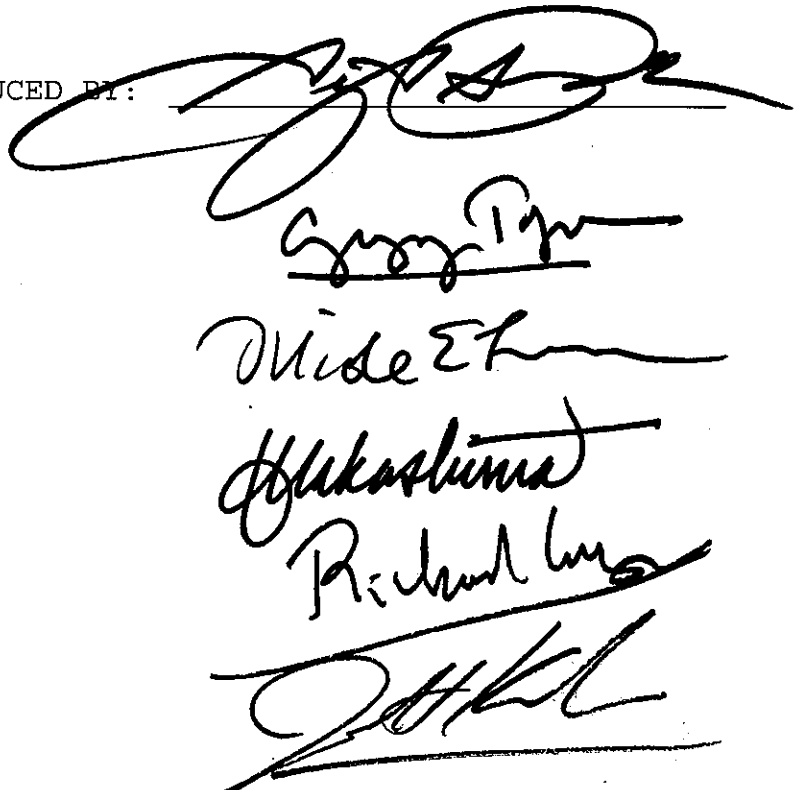
7 SECTION 3. This Act does not affect rights and duties that
 8 matured, penalties that were incurred, and proceedings that were
 9 begun before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY:



A series of five handwritten signatures in black ink, stacked vertically. The signatures are: 1. A large, stylized signature with a prominent loop. 2. A signature that appears to be 'Gregory'. 3. A signature that appears to be 'Mike E'. 4. A signature that appears to be 'Hickerson'. 5. A signature that appears to be 'Richard'. Each signature is written over a horizontal line.



H.B. NO. 1320

Report Title:

Emergency Management; Tree Maintenance

Description:

Authorizes entry into private property to mitigate hazards posed by trees to utility and communications lines and roadways. Assesses a fine of \$150 per day against a landowner whose property must be entered for this purpose.

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

