

STAND. COM. REP. NO.

1018

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 464
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 464, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize a property owner or agent to enter adjacent vacant property with albizia trees under certain conditions, including consulting with a tree arborist and providing written notice, to control albizia trees before they become hazardous; and
- (2) Provide a defense to criminal prosecution for trespass.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, County of Hawai'i Office of the Mayor, Hoalike Farm, Hawaiian Electric Companies, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that albizia trees are an invasive species and a hazard to public safety and critical infrastructure. Albizia trees can grow up to two hundred fifty feet tall and grow on many public and private properties. In 2014, Tropical Storm Iselle brought down many albizia trees, blocked roadways, and



caused millions of dollars in damage to homes and electric utility lines.

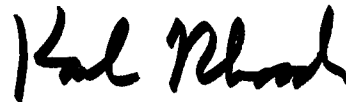
Your Committee further finds that there are many landowners that either refuse or fail to respond to repeated notices to control invasive species on their property. This measure provides a way for neighbors to control adjacent albizia trees to prevent or address hazardous conditions.

Your Committee has amended this measure, upon the recommendation of the Department of Land and Natural Resources, by replacing the term "eradicate" with "control" throughout the measure to clarify that the measure relates to the removal of albizia trees within certain property boundaries rather than to a statewide, total removal of the trees.

Your Committee notes that it is your Committee's intent that common law negligence liability apply to the removal of albizia trees pursuant to this measure.

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 S.B. No. 464, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 464, S.D. 2.

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



KARL RHOADS, Chair



