A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY.

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

SECTION 1. Section 127A-18, Hawaii Revised Statutes, is amended to read as follows:

"[§127A-18] Mitigation of hazardous situations. (a) Even in the absence of an emergency or disaster, the governor may authorize designated state employees, agents, contractors, or representatives to enter private property at reasonable times to mitigate situations deemed by the governor to be hazardous to the health and safety of the public; provided that this section shall be applicable only to the following actions:

(1) Cutting, trimming, or removing dangerous trees or branches that pose a hazard to other properties;

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

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

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

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

(c) If entry is refused, the governor may apply to the
district court in the circuit in which the property is located
for a warrant to enter the premises. The district court may
issue a warrant directing the chief of the appropriate county
police to assist the governor in gaining entry onto the premises
during regular working hours or at other reasonable times.
(d) The governor may seek recovery and reimbursement, by appropriate proceedings, of all costs and expenses incurred in the mitigation of a hazardous situation under this section, and any costs and expenses imposed against any landowner shall be a lien upon the landowner's property.

(e) This section shall take effect only upon authorization and funding for personnel to administer the program.

(f) There is established in the state treasury the hazard mitigation special fund, into which shall be deposited:

(1) All revenues from any recovery or reimbursement pursuant to this section; and
(2) Appropriations made by the legislature for deposit into the fund.

(g) Moneys in the hazard mitigation special fund shall be used for personnel costs and operating and administrative costs deemed necessary by the agency to administer this section."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 to be deposited into the hazard mitigation special fund established by section 127A-18, Hawaii Revised Statutes.
SECTION 3. There is appropriated out of the hazard mitigation special fund the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 for the purposes of this Act.

The sum appropriated shall be expended by the Hawaii emergency management agency for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that sections 2 and 3 shall take effect on July 1, 2020.
Report Title:
Hawaii Emergency Management Agency; Hazard Mitigation Special Fund; Appropriations

Description:
Establishes the hazard mitigation special fund for the Hawaii emergency management agency. Appropriates funds. (HD1)

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