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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1       SECTION 1. Chapter 127A, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§127A-       Emergency management watershed team. (a)

5       There is established within the agency an emergency management  
6       watershed team.

7       (b) Notwithstanding any other law to the contrary, the  
8       emergency management watershed team shall have the authority to  
9       access any real property within the State for the limited  
10       purpose of clearing the mouth of any stream in preparation for  
11       the imminent approach of a hurricane; provided that the  
12       authority under this section shall:

13       (1) Only be conferred if the governor has declared that a  
14       hurricane poses an imminent threat to the State; and

15       (2) Not grant access to real property controlled by the  
16       federal government.



1        (c) The governor shall appoint, without regard to chapter  
2 76, employees to serve on the emergency management watershed  
3 team, including a lead officer of the team. The lead officer  
4 and all other team employees shall serve at the pleasure of the  
5 governor.

6        (d) The lead officer of the emergency management watershed  
7 team may hire contractors to fulfill the team's duties under  
8 this section, pursuant to rules adopted by the governor pursuant  
9 to section 127A-25.

10       (e) Notwithstanding any other law to the contrary, the  
11 emergency management team, its leadership, its employees, any  
12 contractor of the team, and the State shall be immune from  
13 criminal and civil liability for trespass upon any real property  
14 in the State; provided that:

15       (1) The person entering the property did so pursuant to  
16 this section and any applicable rules adopted by the  
17 governor pursuant to section 127A-25; and

18       (2) Immunity shall not apply regarding trespass upon real  
19 property controlled by the federal government."

20       SECTION 2. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                      or so much



1 thereof as may be necessary for fiscal year 2018-2019 to the  
2 Hawaii emergency management agency for the purposes of the Act,  
3 including the hiring of staff and contractors necessary to  
4 assist the agency in the fulfillment of its duties under this  
5 Act.


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

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2018.

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INTRODUCED BY:

  
Rep. E. Lowe  
CA  
Ch. J. C.

JAN 19 2018



# H.B. NO. 2094

**Report Title:**

HEMA; Watershed Team; Hurricanes; Streams; Appropriation

**Description:**

Establishes within the Hawaii Emergency Management Agency an emergency management watershed team, which shall have the authority to access any state, county, or private real property within the State for the limited purpose of clearing the mouth of any stream in preparation for the imminent approach of a hurricane. Appropriates funds.

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