
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 but
8 subject to subsection (c), the emergency management watershed
9 team shall have the authority to access any real property within
10 the State for the limited purpose of clearing the mouth of:

11 (1) Poki Wai stream;

12 (2) Wailoa stream;

13 (3) Nanakuli stream;

14 (4) Ulehawai stream;

15 (5) Mailiiliii stream;

16 (6) Kaupuni stream; and

17 (7) Makua stream,



1 in preparation for the imminent approach of a hurricane.

2 (c) The authority of the emergency management watershed
3 team to act pursuant to subsection (b) shall:

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

6 (2) Not grant access to real property controlled by the
7 federal government.

8 (d) The governor shall appoint, without regard to chapter
9 76, employees to serve on the emergency management watershed
10 team, including a lead officer of the team. The lead officer
11 and all other team employees shall serve at the pleasure of the
12 governor.

13 (e) The lead officer of the emergency management watershed
14 team may hire contractors to fulfill the team's duties under
15 this section, pursuant to rules adopted by the governor pursuant
16 to section 127A-25.

17 (f) Notwithstanding any other law to the contrary, the
18 emergency management team, its leadership, its employees, any
19 contractor of the team, and the State shall be immune from
20 criminal and civil liability for trespass upon any real property
21 in the State; provided that:



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

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

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 2018-2019 to the Hawaii emergency management agency for the purposes of the Act, including the hiring of staff and contractors necessary to assist the agency in the fulfillment of its duties under this Act.

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:

Sen. Oshiro

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H.B. NO. 2543

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 certain streams in preparation for the imminent approach of a hurricane. Appropriates funds.

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