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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

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

"§127A- Emergency management watershed team. (a) There is established within the agency an emergency management watershed team.

(b) Notwithstanding any other law to the contrary but subject to subsection (c), the emergency management watershed team shall have the authority to access any real property within the State for the limited purpose of clearing the mouth of:

(1) Poki Wai stream;

(2) Wailoa stream;

(3) Nanakuli stream;

(4) Ulehawai stream;

(5) Mailiilii stream;

(6) Kaupuni stream; and

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

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

6        SECTION 2. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$                      or so much  
8 thereof as may be necessary for fiscal year 2018-2019 to the  
9 Hawaii emergency management agency for the purposes of the Act,  
10 including the hiring of staff and contractors necessary to  
11 assist the agency in the fulfillment of its duties under this  
12 Act.

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

15        SECTION 3. New statutory material is underscored.

16        SECTION 4. This Act shall take effect on July 1, 2050.



**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. (HB2543 HD1)

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

