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# A BILL FOR AN ACT

RELATING TO STREAM MAINTENANCE.

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

1       SECTION 1. The legislature finds that the State's public  
2 streams and tributaries are vital natural resources that support  
3 the State's ecosystems, serve as crucial infrastructure for  
4 managing stormwater, and provide recreational and aesthetic  
5 value to residents and visitors alike. Improper storage of  
6 personal property in or near these waterways poses significant  
7 environmental, health, and safety risks, including obstructing  
8 water flow, increasing flood potential, and introducing  
9 pollutants into the ecosystem.

10       The legislature further finds that in October 2024, heavy  
11 rains caused debris from tributaries to wash into the Ala Wai  
12 canal and Ala Wai small boat harbor, creating hazardous  
13 conditions that jeopardized public safety, harmed marine  
14 ecosystems, and disrupted boating and recreational activities.  
15 Such incidents demonstrate the urgent need to regulate the  
16 storage of personal property in or near public streams and  
17 tributaries to prevent future blockages, pollution, and



1 environmental degradation. It is the responsibility of the  
2 State to preserve its natural resources, protect public safety,  
3 and maintain the functionality and health of its waterways for  
4 present and future generations.

5 Accordingly, the purpose of this Act is to require the  
6 counties to remove and dispose of certain personal property as  
7 part of maintenance of channels, streambeds, streambanks, or  
8 drainageways.

9 SECTION 2. Section 46-11.5, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~§~~46-11.5~~§~~] **Maintenance of channels, streambeds,**  
12 **streambanks, and drainageways.** (a) Notwithstanding any law to  
13 the contrary, each county shall provide for the maintenance of  
14 channels, streambeds, streambanks, and drainageways, whether  
15 natural or artificial, including their exits to the ocean, and  
16 including the removal and disposal of personal property pursuant  
17 to subsection (b), in suitable condition to carry off storm  
18 waters; and for the removal from the channels, streambeds,  
19 streambanks, and drainageways and from the shores and beaches  
20 any debris which is likely to create an unsanitary condition or  
21 otherwise become a public nuisance; provided that to the extent



1 any of the foregoing work is a private responsibility the  
2 responsibility may be enforced by the county in lieu of the work  
3 being done at county expense, and any private entity or person  
4 refusing to comply with any final order issued by the county  
5 shall be in violation of this chapter and be liable for a civil  
6 penalty not to exceed \$500 for each day the violation continues;  
7 provided further that it shall be the responsibility of the  
8 county to maintain all channels, streambeds, streambanks, and  
9 drainageways unless such channels, streambeds, streambanks, and  
10 drainageways are privately owned or owned by the State, in which  
11 event such channels, streambeds, streambanks, and drainageways  
12 shall be maintained by their respective owners.

13 (b) Personal property shall not be stored in or near  
14 channels, streambeds, streambanks, and drainageways. Personal  
15 property stored in or near channels, streambeds, streambanks,  
16 and drainageways for a continuous period of more than twenty-  
17 four hours shall be deemed abandoned property and may be  
18 disposed of by the State or county.

19 (c) For the purposes of this section, "personal property"  
20 means any and all tangible property and includes but is not  
21 limited to items, goods, materials, merchandise, furniture,



1 equipment, fixtures, clothing, and household items. "Personal  
2 property" does not include any vehicle as defined in section  
3 291C-1 or vessel as defined in section 200-23."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Abandoned Property; Personal Property; Property Storage;  
Streambeds; Streambanks; Channels; Drainageways; Counties

**Description:**

Requires the counties to remove and dispose of personal property as part of the maintenance of channels, streambeds, streambanks, and drainageways. Clarifies that personal property stored in or near a channel, streambed, streambank, or drainageways for a continuous period of more than twenty-four hours shall be deemed abandoned property which may be disposed of by the State or county. Effective 7/1/3000. (HD1)

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

