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LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Thursday, February 13, 2025
9:30 AM
State Capitol, Conference Room 411

In consideration of
HOUSE BILL 1359
RELATING TO FLOOD MITIGATION

House Bill (HB) 1359 proposes to address flooding in residential areas, including on private roads, by requiring the board of land and natural resources to establish a grant program to improve drainage systems, support mitigation measures, and provide resources for local communities and homeowners. **The Department of Land and Natural Resources (Department) recognizes the intent of this measure and offers the following comments.**

This measure provides for the use of public funds to benefit private landowners, many of whom are responsible for drainage maintenance under the current law.

Pursuant to Hawaii Revised Statutes (HRS) §46-11.5, the counties shall provide for the maintenance of channels, streambeds, streambanks and drainageways unless they are privately owned or owned by the State. This law also enables the counties to enforce against a noncompliant private party, by issuing a civil penalty not to exceed \$500 for each day the violation continues. This law ensures that government entities and private property owners both share a duty and responsibility to maintain the foregoing drainage components. In contrast, HB 1359 shifts a private responsibility to the State of Hawai'i taxpayer, consequently raising concerns regarding the use of public funds for private purposes.

Mahalo for the opportunity to provide testimony on this measure.