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## A BILL FOR AN ACT

RELATING TO DAMS AND RESERVOIRS.

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

1           SECTION 1. Chapter 179D, Hawaii Revised Statutes, is  
2 amended by adding three new sections to be appropriately  
3 designated and to read as follows:

4           "§179D-A    Dam and reservoir repair revolving fund.   (a)

5           There is established a dam and reservoir repair revolving fund  
6 into which shall be deposited:

7           (1) Appropriations by the legislature;

8           (2) Interest and fees collected by the department under  
9           this chapter; and

10          (3) Payments made on loans from the fund.

11          (b) Moneys in the fund shall be used by the board for the  
12 following purposes::

13          (1) Implementing emergency measures pursuant to section  
14             179D-B; or

15          (2) Making dam repair loans to owners of dams or  
16             reservoirs with plans and specifications for the  
17             alteration, repair, or removal of dams and reservoirs  
18             that have been approved by the board.



1           §179D-B    Emergency measures.    (a)   When the board  
2 determines, through investigation or inspection of a dam or  
3 reservoir, that there is an imminent danger to public safety and  
4 that repairs, breaching of the dam, or other actions are  
5 immediately necessary to alleviate the danger, the board shall  
6 direct the owner to immediately initiate the emergency measures  
7 necessary or the board may initiate the emergency measures to  
8 ensure public safety.

9           (b)   Emergency measures shall be made at the owner's  
10 expense. When emergency measures are initiated by the board,  
11 the board may use moneys from the fund, for which the owner  
12 shall reimburse the fund in lump sum or through installment  
13 payments as agreed to by the board.

14           §179D-C    Dam and reservoir repair loans.    (a)   The board  
15 may make loans from the dam and reservoir repair revolving fund  
16 to owners of dams or reservoirs with an application and plans  
17 and specifications and for the alteration, repair, or removal of  
18 dams and reservoirs as approved by the board. Loans granted by  
19 the board shall be for a term of not more than twenty years.

20           (b)   Loans under this section shall bear interest at the  
21 following rates:



1        (1) For loans with a term of not more than five years, the  
2        interest rate shall be two per cent per year;

3        (2) For loans with a term of more than five years but less  
4        than ten years, the interest rate shall be four per  
5        cent per year; and

6        (3) For loans with a term of more than ten years, the  
7        interest rate shall be six per cent per year.

8        (c) An owner securing the written approval of the board  
9        for the alteration, repair, or removal of a dam or reservoir may  
10       submit an application to the board for a loan from the dam and  
11       reservoir repair revolving fund. The board shall make loans  
12       from the dam and reservoir repair revolving fund based upon the  
13       availability of funds."

14       SECTION 2. Section 179D-3, Hawaii Revised Statutes, is  
15       amending by adding a new definition to be appropriately inserted  
16       and to read as follows:

17       "Fund" means the dam and reservoir repair revolving fund."

18       SECTION 3. Section 179D-6, Hawaii Revised Statutes, is  
19       amended to read as follows:

20       **"[+]§179D-6[+] General powers and duties of the board of**  
21       **land and natural resources.** The board of land and natural  
22       resources shall administer the dam safety program established by



1 this chapter. In carrying out this chapter, the board shall  
2 cooperate with the United States government or any of its  
3 agencies, other state agencies, and the county governments or  
4 any of their agencies. In the performance of its duties the  
5 board shall:

- 6 (1) Establish by rules, adopted under chapter 91, such  
7 policies, requirements, or standards governing the  
8 design, construction, operation, maintenance,  
9 enlargement, alteration, repair, removal, and  
10 inspection of dams, reservoirs, and appurtenant works  
11 for the protection of life and property from  
12 structural failure of dams and reservoirs;
- 13 (2) Conduct investigations and the collection of data,  
14 including technological advances made in safety  
15 practices elsewhere, as may be needed for the proper  
16 review and study of the various features of the  
17 design, construction, repair, removal, and enlargement  
18 of dams, reservoirs, and appurtenant works. The board  
19 may require submittal of reports of investigations  
20 from all owners;
- 21 (3) Conduct investigations and require reports from all  
22 owners to be made from time to time, such as watershed



1 investigations and studies, as may be necessary to  
2 keep abreast of developments affecting stream runoff  
3 and as required to facilitate its decisions;

4 (4) Be authorized to enter upon such private property of  
5 the dam or reservoir as may be necessary in making any  
6 investigation or inspection required or authorized by  
7 this chapter. The entry shall not constitute a cause  
8 of action in favor of the owner of the land, except  
9 for damages resulting from wilful acts or negligence  
10 by the board or its agents;

11 (5) Require the owners to apply for, and obtain from the  
12 board, written approval of plans and specifications  
13 [~~on the construction~~] for the:

14 (A) Construction of any new dam or reservoir or the  
15 enlargement of any dam or reservoir prior to  
16 commencement of any work;

17 (B) Alteration, repair, or removed of dams and  
18 reservoirs;

19 (6) Require the owners to file an application and secure  
20 the written approval, of the board before commencing  
21 the repair, alteration or removal of a dam or  
22 reservoir, including the alteration, or removal of a



1 dam so that it no longer constitutes a dam or  
 2 reservoir as defined in this chapter. Repairs shall  
 3 not be deemed to apply to routine maintenance not  
 4 affecting the safety of the structure;

5 (7) Require filing fees by rules to accompany each  
 6 application as required under the provisions of this  
 7 chapter[-];

8 (8) Make loans from the dam and reservoir repair revolving  
 9 fund for the alteration, repair, or removal of dams  
 10 and reservoirs as necessary; and

11 (9) Make expenditures for emergency measures initiated by  
 12 the board from the dam and reservoir repair revolving  
 13 fund pursuant to section 179D-B."

14 SECTION 4. There is appropriated out of the general  
 15 revenues of the State of Hawaii the sum of \$ , or so much  
 16 thereof as may be necessary for fiscal year 2007-2008, and the  
 17 same sum, or so much thereof as may be necessary for fiscal year  
 18 2008-2009, to be deposited into the dam and reservoir repair  
 19 revolving fund, established pursuant to section 179D-A.

20 SECTION 5. There is appropriated out of the dam and  
 21 reservoir repair revolving fund the sum of \$ , or so much  
 22 thereof as may be necessary for fiscal year 2007-2008, and the



1 same sum, or so much thereof as may be necessary for fiscal year  
2 2008-2009, for the purposes of the dam and reservoir repair  
3 revolving fund pursuant to chapter 179D.

4 The sums appropriated shall be expended by the department  
5 of land and natural resources for the purposes of this Act.

6 SECTION 6. In codifying the new sections added by section  
7 1 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

10 SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

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**Report Title:**

Dams and Reservoirs

**Description:**

Establishes a revolving fund for dam and reservoir repair.

