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STAND. COM. REP. NO.

Menh 2, 2007

RE: H.B. No. 652

Honolulu, Hawaii

H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 652, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DAM SAFETY,"

begs leave to report as follows:

The purpose of this bill is to ensure the health, safety, and welfare of the people of Hawaii by:

- (1) Establishing a Dam Safety Special Fund (Special Fund) for monitoring and enforcing the safety of dams and reservoirs throughout the state;
- (2) Establishing the Dam Rehabilitation Loan Program (Loan Program) to provide funds to dam owners to make repairs and alterations to dams and reservoirs to increase their safety and effectiveness and prevent future dam failures;
- (3) Limiting the liability of the Board of Land and Natural Resources (BLNR), its officers, employees, and agents from any liability arising out of the failure of a dam;
- (4) Placing all dams and reservoirs in the state under the jurisdiction of BLNR;

- (5) Authorizing BLNR to collect fees and recover expenses from the owner of a dam for BLNR's supervision over the dam's safety; and
- (6) Making an appropriation for the Special Fund and the Loan Program.

The Department of Land and Natural Resources (DLNR), Department of the Attorney General, Dole Food Company Hawaii (Dole), Alexander and Baldwin, Inc., and American Society of Civil Engineers - Hawaii Section supported this bill.

Your Committee has amended this bill by:

- (1) Deleting all provisions with the exception of those establishing the Special Fund;
- (2) Expanding the scope of the purposes for which moneys from the Special Fund can be used in monitoring and enforcing the safety of dams and reservoirs throughout the state by DLNR, including:
 - (A) Conducting investigations and research into ways to provide better maintenance and safety policy for dams;
 - (B) Providing staff and dam owner educational programs;
 - (C) Providing coordination and assistance to other state and county agencies in times of emergency; and
 - (D) Any other purposes to administer the dam safety program;
- (3) Authorizing the appropriation and expenditure of funds for the dam safety program by DLNR; and
- (4) Making technical, nonsubstantive changes for clarity, consistency, and style.

Your Committee acknowledges concerns submitted by Dole regarding providing a blanket classification to apply to all dams and reservoirs. Dole testified that this may create an undue burden on the agricultural industry and requested that the requirements be tiered according to the hazard level and size of

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the reservoirs to strike a balance between safety and the sustainability of the agricultural industry in Hawaii.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 652, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 652, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Finance,

MARCUS R. OSHIRO, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Finance

Bill/Resolution No.: ### 652 #D	Date:	2/26/	07		
Committee Referral: W. H. FIN	The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended	ecommendation is to: Pass, unamended Pass, with amendments				
☐ Hold	☐ Hold ☐ Pass, with amendments, for recommittal for further consideration				
FIN Members	Ayes	Ayes (WR)	Nays	Excused	
1. OSHIRO, Marcus R. (C)	'				
2. LEE, Marilyn B. (VC)	V				
3. BELATTI, Della Au	· ·			4m	
4. BROWER, Tom	/				
5. CARROLL, Mele	V				
6. CHONG, Pono	/				
7. HANOHANO, Faye P.	~				
8. HAR, Sharon E.	~	viiniu.			
9. MAGAOAY, Michael Y.	V				
10. MANAHAN, Joey	/	- Control of the Cont	- Artista	<u> </u>	
11. MIZUNO, John					
12. NAKASONE, Bob		Annaharda addin	The state of the s	-	
13. RHOADS, Karl					
14. SAGUM, Roland D., III	~			* V.T.(1	
15. TOKIOKA, James Kunane	7				
16. AWANA, Karen Leinani	'		- Control of the Cont		
17. MEYER, Colleen Rose					
18. WARD, Gene, Ph.D.	/				
TOTAL	15	0	0	3	
The recommendation is:	-				
□ Not Adopted					
If joint referral, did not support recommendation.					
committee acronym(s) 2 Le Q,					
Vice Chair's or designee's signature:					
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