
A BILL FOR AN ACT

RELATING TO DAM AND APPURTENANCE SAFETY.

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

1 SECTION 1. The legislature finds that some plantation-era
2 reservoirs across the State, including locations in Maui county,
3 are on lands sold by plantation landowners to developers.
4 Following the sale, developers constructed subdivisions, often
5 including dams and appurtenances, including reservoirs and
6 spillways, within deeds to the homeowners or a homeowners'
7 association.

8 However, many dams and appurtenances located on
9 subdivisions are not properly maintained. During periods of
10 extreme weather, the surrounding neighborhoods face significant
11 risks from flooding. Despite potential hazards posed by the
12 dams and appurtenances, the department of land and natural
13 resources considers these dams and appurtenances to be privately
14 owned and the responsibility of homeowners or homeowners'
15 associations to maintain proper safety standards. Costly
16 permits are required to conduct repairs or removal, which
17 results in dams and appurtenances remaining in an unsafe state.



1 Therefore, the purpose of this Act is to:

2 (1) Establish and appropriate moneys for a dam and
3 appurtenance improvement or removal grant program to
4 provide the owners of private dams and appurtenances
5 with funds for plans, design, construction, and
6 equipment that are used to improve or remove deficient
7 dams and appurtenances, as determined by the
8 department of land and natural resources; and

9 (2) Appropriate moneys for certain operating expenses and
10 the establishment of two full-time equivalent (2.0
11 FTE) permanent positions in the department of land and
12 natural resources.

13 SECTION 2. Chapter 179D, Hawaii Revised Statutes, is
14 amended by adding a new section to part II to be appropriately
15 designated and to read as follows:

16 "§179D- Dam and appurtenance improvement or removal
17 grant program. (a) There is established a dam and appurtenance
18 improvement or removal grant program, to be developed and
19 administered by the department for the improvement or removal of
20 deficient dams in the State.



1 (b) The dam and appurtenance improvement or removal grant
2 program shall provide funding to owners of private dams for
3 plans, design, construction, and equipment to improve or remove
4 deficient dams and appurtenances, as determined by the
5 department.

6 (c) Grants awarded under the program shall not exceed
7 \$. Each award shall be approved by the board before
8 disbursement and shall be subject to conditions imposed by the
9 board.

10 (d) The department may award grants based on criteria that
11 shall be developed by the department. Each applicant shall meet
12 the following requirements:

13 (1) The applicant shall be an owner of a high hazard or
14 significant hazard dam or appurtenance that is
15 regulated under this chapter;

16 (2) The applicant shall be the owner of a regulated dam or
17 appurtenance that has been determined to have one or
18 more deficiencies; provided that priority shall be
19 given to dams or appurtenances rated to be in poor or
20 unsatisfactory condition;



- 1 (3) The applicant shall indicate on the application that
2 the proposed plans, design, construction, and
3 equipment shall be intended for remediation or removal
4 of the dam or appurtenance;
- 5 (4) If the applicant is an entity other than an
6 individual, the applicant shall:
- 7 (A) Be licensed to conduct business in the State; and
8 (B) Have bylaws or policies that describe the manner
9 in which business is conducted, prohibit
10 nepotism, and provide for the management of
11 potential conflicts of interest;
- 12 (5) The applicant shall agree to comply with all
13 applicable federal and state laws prohibiting
14 discrimination against any person on the basis of
15 race, color, national origin, religion, creed, sex,
16 age, sexual orientation, disability, or any other
17 characteristic protected under applicable federal or
18 state law;
- 19 (6) The applicant shall agree that grant moneys are not to
20 be used for purposes of entertainment or perquisites;



1 (7) The applicant shall agree that all activities and
2 improvements undertaken with funds received shall
3 comply with applicable federal, state, and county
4 laws, including statutes, ordinances, applicable
5 building codes, and rules;

6 (8) The applicant shall agree to make available to the
7 department all records that the applicant may have
8 relating to the grant and allow state agencies to
9 monitor the applicant's compliance with the purpose of
10 this chapter;

11 (9) The applicant shall establish, to the satisfaction of
12 the department, that sufficient funds are available
13 for the completion of plans, design, and construction,
14 or equipment needed for the purpose for which the
15 grant is awarded; provided that the grant amount shall
16 be included among the calculation of sufficient funds;
17 and

18 (10) The applicant shall comply with other requirements or
19 conditions as the department or board may prescribe."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2023-2024 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2024-2025 for the purposes of the dam and appurtenance
4 improvement or removal grant program.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2023-2024 as
8 one-time seed funding for the purposes of the dam and
9 appurtenance improvement or removal grant program.

10 SECTION 5. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2023-2024 and
13 the same sum or so much thereof as may be necessary for fiscal
14 year 2024-2025 to be expended under program ID Department of
15 Land and Natural Resources - Prevention of Natural Disasters
16 (LNR810), for operating expenses and the establishment of the
17 following two full-time equivalent (2.0 FTE) permanent positions
18 in the department of land and natural resources:

- 19 (1) One planner position; and
- 20 (2) One accountant position.



1 The sums appropriated in sections 3 and 4 and this section
2 of this Act shall be expended by the department of land and
3 natural resources for the purposes of this Act.

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on June 30, 3000.



Report Title:

DLNR; BLNR; Dam and Reservoirs; Grant Program; Appropriations

Description:

Establishes the dam and appurtenance improvement or removal grant program for plans, design, construction, and equipment that is used to improve or remove deficient dams and appurtenances as determined by the Department of Land and Natural Resources. Specifies eligibility requirements for dam and appurtenance improvement or removal grants. Appropriates funds. Effective 6/30/3000. (HD1)

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