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# 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 positions in the department of
- 11 land and natural resources.

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

15 "§179D- Dam and appurtenance improvement or removal  
16 grant program. (a) There is established a dam and appurtenance  
17 improvement or removal grant program, to be developed and  
18 administered by the department for the improvement or removal of  
19 deficient dams in the State.

20 (b) The dam and appurtenance improvement or removal grant  
21 program shall provide funding to owners of private dams for



1 plans, design, construction, and equipment to improve or remove  
2 deficient dams and appurtenances, as determined by the  
3 department.

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

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

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

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

19 (3) The applicant shall indicate on the application that  
20 the proposed plans, design, construction, and



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



- 1           laws, including statutes, ordinances, applicable
- 2           building codes, and rules;
- 3           (8) The applicant shall agree to make available to the
- 4           department all records that the applicant may have
- 5           relating to the grant and allow state agencies to
- 6           monitor the applicant's compliance with the purpose of
- 7           this chapter;
- 8           (9) The applicant shall establish, to the satisfaction of
- 9           the department, that sufficient funds are available
- 10           for the completion of plans, design, and construction,
- 11           or equipment needed for the purpose for which the
- 12           grant is awarded; provided that the grant amount shall
- 13           be included among the calculation of sufficient funds;
- 14           and
- 15           (10) The applicant shall comply with other requirements or
- 16           conditions as the department or board may prescribe."

17           SECTION 3. There is appropriated out of the general  
 18 revenues of the State of Hawaii the sum of \$                    or so  
 19 much thereof as may be necessary for fiscal year 2023-2024 and  
 20 the same sum or so much thereof as may be necessary for fiscal



1 year 2024-2025 for the purposes of the dam and appurtenance  
2 improvement or removal grant program.

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

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

- 17 (1) planner position; and
- 18 (2) accountant position.

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



1 SECTION 6. New statutory material is underscored.

2 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. (HD2)

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

