**S.B. NO.** <sup>1064</sup> S.D. 2

## A BILL FOR AN ACT

RELATING TO DAM AND APPURTENANCE SAFETY.

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

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



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1	There	efore, 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 private dam and appurtenance owners with funds	
5		for plans, design, construction, and equipment that is	
6		used to improve or remove deficient dams and	
7		appurtenances, as determined by the department of land	
8		and natural resources; and	
9	(2)	Appropriates moneys for certain operating expenses and	
10		the establishment of two permanent full-time	
11		equivalent (2.0 FTE) positions in the department of	
12		land and natural resources.	
13	SECT	ION 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	" <u>§17</u>	9D- Dam and appurtenance improvement or removal	
17	grant pro	gram. (a) There is established a dam and appurtenance	
18	improveme	nt 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.	



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1	(b)	The dam and appurtenance improvement or removal grant
2	program s	hall provide funding to private dam owners for plans,
3	<u>design, c</u>	onstruction, and equipment to improve or remove
4	deficient	dams and appurtenances, as determined by the
5	departmen	<u>t.</u>
6	(c)	Grants awarded under the program shall not exceed
7	\$	. Each award shall be approved by the board before
8	disbursem	ent 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 follo	wing 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;

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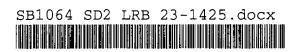
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1	(3)	The applicant shall indicate on the application that
2		the proposed plans, design, construction, and
3		equipment shall be intended for remediation or removal
4		of the dam or appurtenance;
5	(4)	If the applicant is an entity other than an
6		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	<u>(5)</u>	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		<pre>state law;</pre>
19	(6)	The applicant shall agree that grant moneys are not to
20		be used for purposes of entertainment or perquisites;

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



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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.

SECTION 4. There is appropriated out of the general
revenues of the State of Hawaii the sum of \$ or so
much thereof as may be necessary for fiscal year 2023-2024 as
one-time seed funding for the purposes of the dam and
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 following two permanent full-time equivalent (2.0 FTE) positions 17 in the department of land and natural resources: 18

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

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The sums appropriated in sections 3, 4, and 5 of this Act
 shall be expended by the department of land and natural
 resources for the purposes of this Act.
 SECTION 6. New statutory material is underscored.
 SECTION 7. This Act shall take effect on July 1, 2050.



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#### 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 and approved by the Board of Land and Natural Resources. Specifies eligibility requirements for dam and appurtenance improvement or removal grants. Appropriates funds. Effective 7/1/2050. (SD2)

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