

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO INFRASTRUCTURE.

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

1           SECTION 1. The legislature finds that dams and reservoirs  
2 form a critical part of Hawaii's infrastructure, providing  
3 numerous benefits upon which the State's communities depend. In  
4 addition to storing and delivering a reliable source of water  
5 for agriculture, assisting with flood control during large  
6 storms, mitigating erosion, reducing sediment runoff to  
7 nearshore ocean reefs, and storing drinking water, dams and  
8 reservoirs play a crucial and often overlooked role -- providing  
9 water for fire suppression.

10           The legislature further finds that the continued  
11 availability and operation of dams and reservoirs are extremely  
12 important for food and water sustainability and public health  
13 and safety. By capturing storm water that would otherwise rush  
14 to the ocean, reservoirs help recharge the State's groundwater  
15 aquifers, which are a primary source for much of Hawaii's  
16 drinking water. Providing renewable energy through the use of



1 hydropower is also another significant community benefit derived  
2 from dams and reservoirs.

3 The purpose of this Act is to establish a dam and reservoir  
4 working group to ensure and enhance the continued availability  
5 and operation of dams and reservoirs in the State.

6 SECTION 2. (a) There is established a dam and reservoir  
7 working group, to be placed within the office of planning and  
8 sustainable development for administrative purposes only.

9 (b) The dam and reservoir working group shall consist of  
10 the following members:

11 (1) The director of the office of planning and sustainable  
12 development or the director's designee, who shall  
13 serve as the chairperson of the working group;

14 (2) The chairperson of the board of land and natural  
15 resources or the chairperson's designee;

16 (3) The chairperson of the board of agriculture or the  
17 chairperson's designee;

18 (4) The deputy for water resource management of the  
19 commission on water resource management or the  
20 deputy's designee;



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- 1 (5) One representative of the Hawaii emergency management  
2 agency, who shall be appointed by the governor;
- 3 (6) One representative of the emergency management agency  
4 of each county, who shall be appointed by the  
5 respective mayor;
- 6 (7) One representative of the board or department of water  
7 supply of each county, who shall be appointed by the  
8 respective mayor;
- 9 (8) One representative of the fire department of each  
10 county, who shall be appointed by the respective  
11 mayor;
- 12 (9) One representative of the Hawaii Cattlemen's Council,  
13 who shall be invited by the president of the senate;
- 14 (10) One representative of the Hawaii Farm Bureau, who  
15 shall be invited by the speaker of the house of  
16 representatives;
- 17 (11) One representative of the Land Use Research Foundation  
18 of Hawaii, who shall be invited by the president of  
19 the senate;



1 (12) Two owners of dams and reservoirs regulated by the  
2 department of land and natural resources, to be  
3 invited by the president of the senate; and

4 (13) Two current or potential agricultural users of water  
5 from reservoirs, to be invited by the speaker of the  
6 house of representatives.

7 Any vacancy in the working group shall be filled in the  
8 manner provided for the initial appointment or invitation.

9 (c) The dam and reservoir working group shall:

10 (1) Review applicable state laws, administrative rules,  
11 and operational policies as well as studies relating  
12 to dams and reservoirs;

13 (2) Determine the current and potential uses of each of  
14 the one hundred twenty-seven dams and reservoirs  
15 throughout the State that are regulated by the  
16 department of land and natural resources;

17 (3) Determine the appropriate state or county entity to  
18 own, operate, and maintain the government-owned and  
19 department of land and natural resources-regulated  
20 dams and reservoirs, based on current and potential  
21 uses;



- 1           (4) Develop criteria for prioritizing public investments  
2           in dams and reservoirs;
- 3           (5) Prioritize dams and reservoirs by county, based on  
4           agreed-upon criteria;
- 5           (6) Develop a policy framework for expending public funds  
6           to remediate or decommission dams and reservoirs;
- 7           (7) Develop a ten-year dam and reservoir financial and  
8           management plan to address priority dams and  
9           reservoirs by county; and
- 10          (8) Prepare and propose appropriate legislation to  
11          implement the dam and reservoir financial and  
12          management plan.
- 13          (d) The dam and reservoir working group shall submit a  
14 report of its findings and recommendations, including any  
15 proposed legislation, amendments to rules, policy modifications,  
16 or other actions, to the legislature no later than sixty days  
17 prior to the convening of the regular session of 2026.
- 18          (e) The members of the working group shall serve without  
19 compensation but shall be reimbursed for expenses, including  
20 travel expenses, necessary for the performance of their duties.



1 (f) The dam and reservoir working group shall cease to  
2 exist on June 30, 2026.

3 SECTION 3. 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 2024-2025 to  
6 support the work of the dam and reservoir working group;  
7 provided that the appropriation shall not lapse at the end of  
8 the fiscal biennium for which the appropriation is made;  
9 provided further that all moneys from the appropriation that are  
10 unencumbered as of June 30, 2026, shall lapse as of that date.

11 The sum appropriated shall be expended by the office of  
12 planning and sustainable development for the purposes of this  
13 Act.

14 SECTION 4. In accordance with section 9 of article VII of  
15 the Hawaii State Constitution and sections 37-91 and 37-93,  
16 Hawaii Revised Statutes, the legislature has determined that the  
17 appropriations contained in H.B. No. , will cause the state  
18 general fund expenditure ceiling for fiscal year 2024-2025 to be  
19 exceeded by \$ or per cent. In addition, the  
20 appropriation contained in this Act will cause the general fund  
21 expenditure ceiling for fiscal year 2024-2025 to be further



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1 exceeded by \$                    or                    per cent. The combined total  
2 amount of general fund appropriations contained in only these  
3 two Acts will cause the state general fund expenditure ceiling  
4 for fiscal year 2024-2025 to be exceeded by  
5 \$                    or                    per cent. The reasons for exceeding the  
6 general fund expenditure ceiling are that:

- 7            (1) The appropriation made in this Act is necessary to  
8                    serve the public interest; and  
9            (2) The appropriation made in this Act meets the needs  
10                    addressed by this Act.

11            SECTION 5. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: \_\_\_\_\_ *MM J. M.*  
**By Request**



# S.B. NO. 2955

**Report Title:**

Dam and Reservoir Working Group; Appropriation; Expenditure Ceiling

**Description:**

Establishes a dam and reservoir working group to ensure and enhance the continued availability and operation of dams and reservoirs in the State and consider their role in drought mitigation and the maintenance of a dependable water supply. Appropriates funds.

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

