
A BILL FOR AN ACT

RELATING TO DAM AND RESERVOIR SAFETY.

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

1 SECTION 1. Section 179D-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§179D-31 Dam and appurtenance improvement or removal**
4 **grant program.** (a) There is established a dam and appurtenance
5 improvement or removal grant program, to be developed and
6 administered by the department for the improvement or removal of
7 deficient dams in the State.

8 (b) The dam and appurtenance improvement or removal grant
9 program shall provide funding to owners of private dams for
10 plans, design, construction, and equipment to improve or remove
11 deficient dams and appurtenances, as determined by the
12 department.

13 (c) Each award shall be approved by the board before
14 disbursement and shall be subject to conditions imposed by the
15 board.

16 (d) The department [~~may~~] shall award grants based on
17 criteria that shall be developed by the department. The



1 criteria developed by the department under this section shall be
2 made publicly available.

3 (e) Each applicant shall meet the following requirements:

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

7 (2) The applicant shall be the owner of a regulated dam or
8 appurtenance that has been determined to have one or
9 more deficiencies; provided that priority shall be
10 given to dams or appurtenances rated to be in poor or
11 unsatisfactory condition;

12 (3) The applicant shall indicate on the application that
13 the proposed plans, design, construction, and
14 equipment shall be intended for remediation or removal
15 of the dam or appurtenance;

16 (4) If the applicant is an entity other than an
17 individual, the applicant shall:

18 (A) Be licensed to conduct business in the State; and

19 (B) Have bylaws or policies that describe the manner
20 in which business is conducted, prohibit



1 nepotism, and provide for the management of
2 potential conflicts of interest;

3 (5) The applicant shall agree to comply with all
4 applicable federal and state laws prohibiting
5 discrimination against any person on the basis of
6 race, color, national origin, religion, creed, sex,
7 age, sexual orientation, disability, or any other
8 characteristic protected under applicable federal or
9 state law;

10 (6) The applicant shall agree that grant moneys are not to
11 be used for purposes of entertainment or perquisites;

12 (7) The applicant shall agree that all activities and
13 improvements undertaken with funds received shall
14 comply with applicable federal, state, and county
15 laws, including statutes, ordinances, applicable
16 building codes, and rules;

17 (8) The applicant shall agree to make available to the
18 department all records that the applicant may have
19 relating to the grant and allow state agencies to
20 monitor the applicant's compliance with the purpose of
21 this chapter;



1 (9) The applicant shall establish, to the satisfaction of
2 the department, that sufficient funds are available
3 for the completion of plans, design, and construction,
4 or equipment needed for the purpose for which the
5 grant is awarded; provided that the grant amount shall
6 be included among the calculation of sufficient funds;
7 and

8 (10) The applicant shall comply with other requirements or
9 conditions as the department or board may
10 prescribe[-]; provided that:

11 (A) The board shall prescribe other requirements or
12 conditions in a manner that is consistent with
13 the principles of fairness and equal treatment;

14 (B) The additional requirements and conditions
15 prescribed by the department or board shall be:

16 (i) Based on reasonable and justifiable grounds
17 and relevant to the purpose for which the
18 grant is awarded;

19 (ii) Communicated to the applicant in a clear,
20 transparent, and reasonable manner; and



Report Title:

DLNR; BLNR; Dam and Reservoir Safety; Dam and Appurtenance
Improvement or Removal Grant Program

Description:

Establishes additional requirements for the Department of Land
and Natural Resources and Board of Land and Natural Resources
regarding the Dam and Appurtenance Improvement or Removal Grant
Program. Takes effect 7/1/2050. (SD1)

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

