

ACT 34

An Act Relating to Flood Control and Flood Water Conservation Projects and Providing for Undertaking a Study for the Development of a General Flood Control Plan and Laws with Respect Thereto.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Declaration of Purpose. The control of flood waters and

the protection of life and property resulting therefrom are deemed to be of primary importance to the State and its political subdivisions. It is hereby declared that the State should assist its political subdivisions in obtaining the benefits of federal funds which are or may become available for flood control and conservation projects through prior or future Acts of Congress. It is further declared that the conservation of water, a natural resource and a basic asset, is so inherently related to the control of flood waters that a separation of these two aspects would not be to the best interest of the people of the State.

SECTION 2. Definitions. The following terms, whenever used and referred to in this Act, shall have the following respective meanings, unless a different meaning clearly appears in the context:

“Flood Control” or “control of flood waters” shall mean the prevention of damages and the protection of life and property which may result from overflow of storm waters from streams and rivers.

“Board” shall mean the Board of Land and Natural Resources.

“Political subdivisions” shall mean any of the several counties under existence by virtue of the Laws of Hawaii or any legally organized district or political incorporation thereof.

“Flood Water Control and Conservation Law” shall mean a compilation which will consolidate and, as required, amend existing laws relating to drainage and flood water, its conservation and control.

SECTION 3. Designation of State Agency. The Board of Land and Natural Resources, whose functions include under the existing Laws of Hawaii, the management and administration of water resources for the State and the development of water projects financed by the State, is hereby designated as the state agency responsible for the accomplishment of the purpose of this Act.

SECTION 4. Powers of the Board. In addition to those powers and responsibilities of the Board established by existing law, the Board shall have the powers and the responsibility to implement the declared purpose of this Act with regard to flood control actions in the following matters:

a. Serve as the state agency to coordinate information on flood control planning within the State in cooperation with all agencies of the state and federal governments.

b. Establish a flood control planning group to assemble basic data on storms and floods and render technical assistance to any of the political subdivisions upon its request in the formulation of flood control projects.

c. With respect to federal flood control projects the Board shall: (1) act as the agency of the State to review projects submitted for state approval to determine conformance of the project with state programs and make recommendations to the governor; (2) develop and submit to the legislature for approval a general state policy for state participation with the political subdivisions thereof in the assurances of local cooperation required by federal flood control projects; (3) when any of the political subdivisions request financial assistance in meeting the requirements of local cooperation for any federal project, the department shall review such requests and make appropriate recommendations to the legislature for state participation; (4) when state participation in a federal project has been authorized, the department will execute agreements with the political subdivision affected to implement the state assurances of participation.

SECTION 5. Development of Flood Water Control and Conservation Plan and laws thereto. The Board shall undertake the development of a general flood control plan and a flood water control and conservation law for the State. A draft of the plan and law shall be submitted to the legislature for consideration at least twenty (20) days before the convening of the General Session of the Legislature in 1963.

SECTION 6. Existing Laws and Severability. All laws or parts of laws which are held to be inconsistent with this Act are hereby amended to conform with the provisions of this Act. The provisions of this Act are declared to be severable, and if any portion of this Act or the application thereof to any person, circumstance, or property is held to be invalid for any reason, the validity of the remainder of this Act or the application of such portion to other persons, circumstances or property shall not be affected thereby.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 16, 1961.) **S.B. 27.**
