

JAN 22 2007

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# A BILL FOR AN ACT

RELATING TO DAMS AND RESERVOIRS.

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

1           SECTION 1. Chapter 179D, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§179D-     Duty to control water level.   The owner of a dam  
5 or reservoir shall not allow the actual water level of the  
6 reservoir to exceed the design water level.

7           §179D-     Duty to maintain dam and reservoir.   (a)   The  
8 owner of a dam or reservoir shall have the duty to manage and  
9 maintain the dam or reservoir in safe condition; provided that  
10 this duty shall include, but not be limited to, keeping all  
11 valves and spillways in working condition and preventing natural  
12 and planted foliage, including but not limited to the foliage  
13 roots, from compromising the safety of the dam or reservoir.

14           (b)   The owner shall have the duty to properly manage and  
15 maintain each of the reservoir's water inlet and water outlet  
16 points; provided that this management and maintenance shall  
17 include but not be limited to annual cleanings."



1 SECTION 2. Section 179D-3, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Design water level" means the maximum water elevation,  
5 including the flood surcharge, that a dam is designed to  
6 withstand."

7 SECTION 3. Section 179D-8, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 ~~"[+]§179D-8[+] Violations; penalties. [Any person~~  
10 ~~violating]~~ It shall be a criminal offense to violate any  
11 provision of this chapter or any permit condition or limitation  
12 established pursuant to this chapter or to negligently or  
13 wilfully [~~failing~~] fail or [~~refusing~~] refuse to comply with any  
14 final order of the board issued as provided herein[~~, shall be~~  
15 ~~liable for a civil penalty not to exceed \$500 for each day~~  
16 ~~during which said violation continues].~~ A violation shall be  
17 considered a separate violation for each day during which the  
18 violation continues. A person convicted of a criminal offense  
19 under this section shall be sentenced as follows:

20 (1) For the first violation, the person shall be fined  
21 \$2,000;



1        (2) For the second violation, the person shall be fined  
2            \$4,000;

3        (3) For the third and each subsequent violation, the  
4            person shall be fined \$8,000 and imprisoned for a term  
5            not to exceed five years."

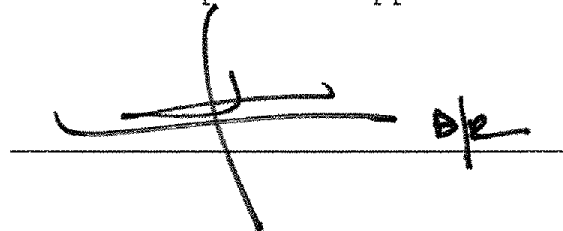
6            SECTION 4. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun, before its effective date.

9            SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

 A handwritten signature in black ink, consisting of a large, stylized 'f' or 'F' shape with a horizontal line through it, followed by a vertical line and a small 'D/R' or similar mark.



**Report Title:**

Dams and Reservoirs

**Description:**

Requires the owner of a dam or reservoir to control water levels and maintain the dams and reservoir in safe condition.

Establishes penalties for violations.

