
A BILL FOR AN ACT

RELATING TO DAMS AND RESERVOIRS.

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

1 SECTION 1. Article XI of the Constitution of the State of
2 Hawaii declares that all natural resources are held in trust by
3 the State for the benefit of the people and that the State shall
4 promote the development and utilization of those natural
5 resources in a manner consistent with their conservation and in
6 furtherance of the self-sufficiency of the State.

7 Section 3 of article XI mandates the conservation and
8 protection of agricultural lands, promotion of diversified
9 agriculture, and increased agricultural self-sufficiency. The
10 productivity of agricultural lands, however, depends upon the
11 availability of irrigation or sufficient rainfall or moisture
12 for the production of crops. Irrigated lands can be well
13 adapted to a wide range of diversified crops.

14 Key to agricultural production in Hawaii and agricultural
15 self-sufficiency is the maintenance and enhancement of the dams
16 and reservoirs that were constructed by former sugarcane and
17 pineapple plantation companies. With the closing of
18 plantations, the maintenance and operation of these irrigation



1 systems become even more important for the survival and
2 expansion of agriculture in Hawaii.

3 The purpose of this Act is to establish standards for the
4 permitting, inspection, and maintenance of dams, reservoirs, and
5 their appurtenant structures in a manner that avoids emergencies
6 that create a hazard to life and property. It proposes to enact
7 many of the recommendations of the Model Law for State
8 Supervision of Safety of Dams and Reservoirs and the criteria
9 for legislation required by the national Dam Safety Program Act.
10 It establishes a dam rehabilitation loan program proposed by the
11 Model Law, primarily funded by revenue bonds authorized by the
12 legislature, for the repair and maintenance of dams and
13 reservoirs.

14 SECTION 2. Chapter 179D, Hawaii Revised Statutes, is
15 amended by adding a new part to be appropriately designated and
16 to read as follows:

17 "PART . DAM REHABILITATION LOAN PROGRAM

18 §179D-A Dam rehabilitation loan revolving fund; program
19 establishment and funding. (a) There is established in the
20 state treasury the dam rehabilitation loan revolving fund, into
21 which shall be deposited:

22 (1) Appropriations by the legislature;



1 (2) Funds from federal sources;

2 (3) Funds from revenue bonds authorized by acts of the
3 legislature or bond anticipation notes issued pursuant
4 to section 39-70; and

5 (4) Moneys received as repayment of loans and interest
6 payments.

7 (b) The dam rehabilitation loan program may obtain funds
8 through partnerships with any private or public bonding or
9 loaning agency or organization.

10 (c) State funding to the dam rehabilitation loan program
11 shall not be reduced because of federal funds provided for a
12 rehabilitation loan program.

13 (d) Moneys collected for the dam rehabilitation loan
14 program and deposited into the dam rehabilitation loan revolving
15 fund shall remain in the fund and shall not lapse to the credit
16 of the general fund.

17 §179D-B Allowable loans. (a) The board may grant loans
18 from the dam rehabilitation loan revolving fund to dam owners:

19 (1) To defray the costs of repairing dams or removal of a
20 dam that the board determines to be dangerous to the
21 safety of persons and property but that are not in an
22 emergency condition; and



1 (2) To reimburse the board for emergency actions taken by
2 the department under section 179D-24.

3 (b) Loans shall be granted on the terms and conditions as
4 may be imposed by the board. The following provisions shall
5 apply:

6 (1) The board may take any administrative or legal action
7 necessary for the administration of the dam
8 rehabilitation loan program;

9 (2) If the balance of the dam safety special fund exceeds
10 \$1,000,000, no single loan shall be made for more than
11 twenty per cent of the moneys available in the fund.
12 No loan shall be made to any dam owner that, at the
13 time of the loan application, has more than twenty per
14 cent of the outstanding loans of the fund;

15 (3) The loans granted by the board shall be for a term of
16 not more than twenty years; and the loans shall bear
17 interest at rates established by the board by rule;

18 (4) Each loan shall be evidenced by a contract between the
19 dam owner and the board, acting on behalf of the
20 State. The contract shall provide for the loan of a
21 stated amount to defray partial or total costs of
22 repairing the dam. The contract shall provide for



1 equal annual payments of principal and interest for
2 the term of the loan.

3 §179D-C Eligibility. (a) Rehabilitation projects that
4 are in compliance with applicable laws and rules and are
5 permitted, accepted, and approved by the board shall be eligible
6 for funding through the dam rehabilitation loan program.

7 (b) Any costs directly related to rehabilitating safety
8 deficiencies of a dam shall be eligible for funding through the
9 dam rehabilitation loan program.

10 (c) Fees for analysis, feasibility work, alternative
11 evaluation, and engineering design shall only be eligible for
12 funding retroactively, after construction has been initiated or
13 at the point that analysis has shown a dam to be in compliance.

14 (d) Up to one hundred per cent of rehabilitation costs for
15 a dam may be loaned.

16 (e) Dam owners may use multiple programs or sources to
17 fund the rehabilitation costs for a dam, up to one hundred per
18 cent of rehabilitation costs.

19 §179D-D Security interests. (a) The board may take a
20 security interest, if necessary, in any property owned by the
21 dam owner in exchange for the loan. If the board chooses to



1 take a security interest, the board shall take the necessary
2 actions to perfect the security interest.

3 (b) The attorney general or the board's legal counsel,
4 with the consent of the board, may commence any actions
5 necessary to enforce the contract and achieve repayment of loans
6 provided by the board.

7 §179D-E Participation in loans by the department. (a)
8 The board may provide funds for a share, not to exceed ninety
9 per cent, of the principal amount of a loan made to a qualified
10 owner by a private lender who is otherwise unable to lend the
11 applicant sufficient funds at reasonable rates.

12 (b) Interest charged on the private lender's share of the
13 loan shall be not more than the sum of two per cent above the
14 lowest rate of interest charged by all state or national banks
15 authorized to accept or hold deposits in the State on unsecured
16 short term loans made to borrowers who have the highest credit
17 rating with those banks.

18 (c) When a participating loan has been approved by the
19 board, its share may be paid to the participating private lender
20 for disbursement to the borrower.

21 (d) Out of interest collected, the private lender may be
22 paid a service fee to be determined by the board, which fee



1 shall not exceed one per cent of the unpaid principal balance of
2 the loan; provided that this fee shall not be added to any
3 amount that the borrower is obligated to pay; and provided
4 further that the private lender services the loan.

5 (e) The participating private lender may take over a
6 larger percentage or the full principal balance of the loan at
7 any time that it has determined, to the satisfaction of the
8 board, that the borrower is able to pay any increased interest
9 charges that result.

10 (f) The private lender may take a security interest in any
11 property owned by the dam owner in exchange for the loan. All
12 collateral documents shall be held by the private lender.
13 Division of interest in collateral received shall be in
14 proportion to participation by the board and the private
15 lender."

16 SECTION 3. Chapter 179D, Hawaii Revised Statutes, is
17 amended by adding six new sections to be appropriately inserted
18 and to read as follows:

19 "§179D-E Emergency action plan. (a) The owners of dams
20 and reservoirs shall have the primary responsibility for
21 determining when an emergency involving the dam or reservoir
22 exists and implementing an emergency action plan for the dam or



1 reservoir. The owners of high hazard potential and significant
2 hazard potential dams shall develop, update, and periodically
3 test an emergency action plan that can be implemented in the
4 event of an emergency involving the owner's dam.

5 (b) The emergency action plan shall include:

6 (1) A notification list of persons who may be endangered
7 if the dam should fail, emergency management

8 organizations, and proper state or county agencies;

9 (2) Inundation maps or other acceptable description of the
10 inundated areas, as determined by the department; and

11 (3) Responsibilities of the owner, emergency management
12 organizations, and state or county agencies to
13 safeguard life, health, and property.

14 (c) The department shall review and approve the emergency
15 action plans developed by the owners.

16 §179D-F Permits required. (a) No person shall:

17 (1) Construct a new dam; or

18 (2) Reconstruct, enlarge, modify or alter, repair, remove,
19 or abandon an existing dam;

20 without first obtaining a permit from the board. The
21 application for a permit shall be filed upon forms provided by
22 the board.



1 (b) The application for a permit to construct a new dam
2 shall include:

3 (1) The plans and specifications for the dam, reservoir,
4 and appurtenant works signed by the design engineer
5 including:

6 (A) The type and size of the proposed dam and
7 reservoir;

8 (B) The purpose of the proposed dam and reservoir;

9 (C) The reservoir storage capacity and surface area
10 for normal pool and maximum storage elevation;
11 and

12 (D) The area of the drainage basin, rainfall and
13 streamflow records, flood-flow records, and
14 estimates;

15 (2) The name and address of the owner;

16 (3) The location of the proposed dam;

17 (4) The hazard potential identification;

18 (5) A maintenance plan;

19 (6) An emergency action plan; and

20 (7) Evidence of financial responsibility.

21 (c) The application for a permit to reconstruct, enlarge,
22 modify or alter, or repair an existing dam shall include:



- 1 (1) The construction plans and specifications for the dam,
2 reservoir, and appurtenant works signed by the design
3 engineer, including any changes to:
- 4 (A) The type and size of the proposed dam and
5 reservoir;
- 6 (B) The purpose of the proposed dam and reservoir;
- 7 (C) The reservoir storage capacity and surface area
8 for normal pool and maximum storage elevation;
9 and
- 10 (D) The area of the drainage basin, rainfall and
11 streamflow records, flood-flow records, and
12 estimates;
- 13 (2) The name and address of the owner of the dam;
- 14 (3) The location of the proposed dam;
- 15 (4) The current hazard potential classification of the dam
16 and any change in classification that may change as a
17 result of the proposed construction;
- 18 (5) Any changes in the maintenance plan as a result of the
19 proposed construction;
- 20 (6) Any changes in the emergency action plan as a result
21 of the proposed construction; and
- 22 (7) Evidence of financial responsibility.



1 (d) The application for a permit to remove or abandon an
2 existing dam shall include plans and specifications prepared by
3 an engineer for:

4 (1) Dewatering;

5 (2) Method of breaching;

6 (3) Means of controlling erosion at the site during and
7 after the breach;

8 (4) Means to control sediment transport from the
9 reservoir;

10 (5) Time schedule and sequence of construction; and

11 (6) Evaluating and remapping of downstream flood areas, if
12 necessary.

13 (e) Minor repairs or maintenance work included in a
14 maintenance plan approved by the board shall not require a
15 permit.

16 §179D-G Permits; approval. (a) Upon receipt of an
17 application for a permit, the board shall cause a notice thereof
18 to be published in a newspaper having general circulation within
19 the affected area. The notice shall be published at least once
20 per week for two consecutive weeks. The notice shall state that
21 written objections to the proposed permit may be filed with the



1 board by a specified date. The board shall establish by rules
2 the time limits within which objections must be filed.

3 (b) The board, after a hearing and the resolution of
4 objections, shall issue a permit for the construction of a new
5 dam or the reconstruction, enlargement, modification or
6 alteration, repair, removal, or abandonment of an existing dam.
7 If the application for a permit is not consistent with the
8 requirements of section 179D-F, the board shall deny the
9 application and notify the owner of the reasons for the denial.

10 §179D-H Inspection of construction and repair. (a) The
11 department's engineer or a consulting engineer selected by the
12 department shall periodically inspect the construction of a new
13 dam or the reconstruction, enlargement, modification or
14 alteration, or repair of an existing dam and obtain
15 certification in writing by the design engineer that the
16 construction or repair is in conformity with the approved plans
17 and specifications.

18 (b) If the department finds that modifications or changes
19 are necessary to ensure the safety of the dam, the department
20 shall order the owner to revise the plans and specifications.
21 If the department finds that the work is not being done



1 according to the approved plans and specifications, it shall
2 deliver written notice of noncompliance to the owner:

3 (1) Stating the parts of the approved plans and
4 specifications with which the owner has not complied;
5 and

6 (2) Ordering that no further work be done until compliance
7 with the plans and specifications have been carried
8 out and approved by the department.

9 §179D-I Inspection of dams. (a) Periodic inspections of
10 dams shall be conducted by a consulting engineer approved by the
11 department, and retained and paid for by the owner, who shall:

12 (1) Review all documents and records relating to the dam
13 and its appurtenances, including the emergency action
14 plan;

15 (2) Perform the necessary assessments of the condition of
16 the dam, including the need for hydrologic, hydraulic,
17 stability, and structural calculations to provide an
18 accurate assessment of the condition of the dam;

19 (3) Determine if additional development has occurred
20 within the downstream reach of the dam that may change
21 the hazard classification of the dam or require
22 amendment of the emergency action plan;



1 (4) Visually inspect the embankment, spillway, outlet,
2 conduits, appurtenant structures, and reservoir
3 conditions at the time of the inspection; and

4 (5) Prepare a report of findings, recommendations, and
5 proposed actions to be filed with the department and
6 provided to the dam owners. The report shall be
7 submitted on a standard inspection report provided by
8 the department.

9 (b) Inspections of dams shall be carried out at the
10 following intervals:

11 (1) For dams classified as high hazard potential,
12 annually;

13 (2) For dams classified as significant hazard potential,
14 every two years; and

15 (3) For dams classified as low hazard potential, every
16 five years.

17 (c) The department shall perform inspections during the
18 construction or repair of a dam to verify that the construction
19 or repair is proceeding according to the approved plans and
20 specifications. The department shall require that the design
21 engineer certify in writing that the construction or repair of



1 the dam had been done according to the approved plans and
2 specifications as of the date of the inspection.

3 §179D-J Owner responsibilities. (a) The owner shall be
4 responsible for the inspection required by section 179D-I and
5 shall:

- 6 (1) Provide for on-going surveillance of the dam;
- 7 (2) Train personnel in the basics of visual dam inspection
8 techniques;
- 9 (3) Measure and record data based on requirements
10 established by the board;
- 11 (4) Promptly notify the department of any unusual
12 observations;
- 13 (5) Inspect the dam after any unusual event, such as a
14 significant storm or runoff or earthquake, to
15 determine if structural or operational problems exist;
- 16 (6) Maintain records for the dam required by the board,
17 such as construction plans and documents, engineering
18 studies, inspection reports, monitoring records, and
19 the emergency action plan; and
- 20 (7) Submit an annual statement indicating that the dam is
21 being maintained according to the approved maintenance



1 plan and that the emergency action plan has been
2 updated as necessary.

3 (b) The owner shall report information required by
4 subsection (a) to the department on forms developed by the
5 board."

6 SECTION 4. Section 179D-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§179D-3 Definitions. The following terms, whenever used
9 and referred to in this chapter, shall have the following
10 meanings, unless a different meaning clearly appears in the
11 context:

12 "Abandonment" means to render a dam non-impounding by
13 dewatering and filling the reservoir created by that dam with
14 solid materials and by diverting the natural drainway around the
15 site.

16 "Adverse consequences" means negative impacts that may
17 occur upstream, downstream, or at locations remote from the dam.
18 The primary concerns are loss of human life, economic loss,
19 including property damage, disruption of public utilities, and
20 environmental impact.



1 "Alterations" or "repairs" means only alterations or
2 repairs to existing dams and appurtenant works that affect the
3 safety of the dam or reservoir, as determined by the board.

4 "Application approval" means authorization in writing
5 issued by the board to an owner who has applied to the board for
6 permission to construct, reconstruct, enlarge, repair, alter,
7 remove, maintain, ~~[or]~~ operate, or abandon a dam or reservoir
8 and that specifies the ~~[condition]~~ conditions or limitations
9 under which work is to be performed by the owner or under which
10 approval is granted.

11 "Appurtenant works" or "appurtenance" means any structure,
12 such as spillways in the dam or separate therefrom, the
13 reservoir and its rim, low level outlet works, and water
14 conduits, such as tunnels, pipelines, or penstocks, through the
15 dam or its abutment.

16 "Board" means the board of land and natural resources.

17 "Breach" means partial removal of a dam, creating a channel
18 through the dam to the original stream bottom elevation.

19 "Certificate of approval to impound" means authorization in
20 writing issued by the board to an owner of an existing dam or
21 reservoir, or an owner who has completed construction,
22 reconstruction, enlargement, repair, or alteration of a dam or



1 reservoir, that specifies the conditions or limitations under
2 which the dam or reservoir is to be maintained and operated.

3 "Dam" means any artificial barrier, including appurtenant
4 works that impounds or diverts water and that:

5 (1) Is twenty-five feet or more in height from the natural
6 bed of the stream or watercourse measured at the
7 downstream toe of the barrier, or from the lowest
8 elevation of the outside limit of the barrier if it is
9 not across a stream channel or watercourse to a
10 maximum water storage elevation;

11 (2) Has an impounding capacity at maximum water storage
12 elevation of fifty acre-feet or more. This chapter
13 shall not apply to any artificial barrier that is less
14 than six feet in height regardless of storage capacity
15 or that has a storage capacity at maximum water
16 storage elevation less than fifteen acre-feet
17 regardless of height; or

18 (3) Meets additional criteria or is specifically exempt as
19 determined pursuant to rules adopted by the board.

20 "Department" means the department of land and natural
21 resources.



1 "Emergency" includes but is not limited to breaches and all
2 conditions leading to or causing a breach, overtopping, or any
3 other condition in a dam or reservoir and its appurtenant works
4 that may be construed as unsafe or threatening to life and
5 property.

6 "Emergency action plan" means a plan that:

- 7 (1) Identifies the area that would likely be inundated by
8 the failure of a dam;
9 (2) Identifies the actions that should be taken in the
10 event of a failure or threatening condition at the
11 dam; and
12 (3) Is implemented in conjunction with the proper state or
13 county agencies.

14 "Engineer" means a licensed professional engineer who:

- 15 (1) Has a background in civil engineering;
16 (2) Is competent in areas related to dam investigation,
17 design, construction, and operation for the type of
18 dam being investigated, designed, constructed,
19 reconstructed, enlarged, repaired, altered, breached,
20 removed, or abandoned; and
21 (3) Understands adverse dam incidents, failures, and the
22 potential causes and consequences of failures.



1 "Enlargement" means any change in or addition to an
2 existing dam or reservoir that raises or may raise the water
3 storage elevation of the water impounded by the dam [~~or~~
4 ~~reservoir~~].

5 "Hazard potential" means the possible adverse incremental
6 consequences that result from the release of water or stored
7 contents due to the failure of the dam or reservoir or the
8 misoperation of the dam, reservoir, or appurtenances. The
9 hazard potential classification of a dam or reservoir shall not
10 reflect in any way on the current condition of the dam or
11 reservoir and its appurtenant works, including the dam's or
12 reservoir's safety, structural integrity, or flood routing
13 capacity.

14 "High hazard potential" means a dam's or reservoir's
15 downstream hazard classification assigned to a dam where the
16 dam's failure or misoperation will [~~result in probable~~] probably
17 cause loss of human life.

18 "Low hazard potential" means a dam's or reservoir's
19 downstream hazard classification assigned to a dam where failure
20 or misoperation will result in no probable loss of human life
21 and low economic loss or environmental loss, or both. Economic
22 losses are principally limited to the owner's property.



1 "Operator" means any person who controls, manages,
2 maintains, or supervises the condition and functions of a dam or
3 reservoir.

4 "Owner" means any person who has a right, title, or
5 interest in or to the dam or reservoir or to the property upon
6 which the dam, reservoir, or appurtenant works is located or
7 proposed to be located.

8 "Person" means any natural person, partnership, firm,
9 association, organization, corporation, county, county
10 authority, trust, receiver or trustee, limited liability
11 company, limited liability partnership, or company, or any state
12 department, agency, or political subdivision, or any other
13 commercial or legal entity. Whenever used in a section
14 prescribing and imposing a penalty or sanction, the term
15 "person" includes the members of an association or organization,
16 and the officers of a corporation, company, county, or county
17 authority.

18 "Physical clear access" means a roadway or path that allows
19 timely access for inspection to a dam, reservoir, and its
20 appurtenant works. If by a roadway, the roadway shall be
21 maintained in an accessible condition by a four-wheel drive
22 vehicle even during inclement weather conditions.



1 "Probable" means more likely than not to occur; reasonably
2 expected; realistic.

3 "Reconstruction" means the removal and replacement of an
4 existing dam or a portion thereof.

5 "Removal" means complete or partial elimination of the dam
6 or reservoir embankment or structure to restore the approximate
7 original topographic contours of the valley.

8 "Reservoir" means any basin that contains or will contain
9 water impounded by a dam, including appurtenant works.

10 "Significant hazard potential" means a dam's or reservoir's
11 downstream hazard classification assigned to a dam where failure
12 or misoperation will result in no probable loss of human life
13 but can cause major economic loss, environmental damage,
14 disruption of lifeline facilities, or impact other concerns.
15 Significant hazard potential classification dams or reservoirs
16 are often located in predominantly rural or agricultural areas
17 but could be located in areas with population and significant
18 infrastructure.

19 "Water storage elevation" means the maximum elevation of
20 water surface that can be obtained by the dam or reservoir."

21 SECTION 5. Section 179D-8, Hawaii Revised Statutes, is
22 amended by amending subsections (a) and (b) to read as follows:



1 "(a) Except as otherwise provided by law, the board may
2 set, charge, and collect administrative penalties and recover
3 administrative fees and costs, including attorney's fees and
4 costs, or bring legal action to recover administrative
5 penalties, fees, and costs, including attorney's fees and costs,
6 or payment for damages or for the cost to correct damages
7 resulting from a violation of this chapter or any rule, order,
8 or condition adopted, issued, or required under this chapter.
9 The administrative penalty shall not exceed [~~\$25,000 per day of~~
10 ~~a violation,~~] \$10,000 per violation, and each day during which
11 the violation continues shall constitute an additional,
12 separate, and distinct violation. The board shall effectuate
13 rules, procedures, and fee schedules to carry out the purposes
14 of this section.

15 (b) Any person who negligently or after written notice to
16 comply, violates this chapter or any rule, order, or condition
17 adopted, issued, or required under this chapter, or knowingly
18 obstructs, hinders, or prevents the department's agents or
19 employees from performing duties under this chapter, shall be
20 guilty of a class C felony, and upon conviction thereof, shall
21 be [~~punished~~] sentenced as follows:



- 1 (1) For a first conviction, by a mandatory fine of not
2 less than \$2,500 but not more than [~~\$25,000 per day of~~
3 ~~violation,~~] \$10,000, imprisonment, or both; and
- 4 (2) For a second or subsequent conviction, by a mandatory
5 fine of not less than \$5,000 but not more than
6 [~~\$50,000 per day of violation,~~] \$10,000, imprisonment,
7 or both."

8 SECTION 6. Section 179D-21, Hawaii Revised Statutes, is
9 amended to read as follows:

10 " ~~[+] §179D-21 [.]~~ Certificate of approval to impound. (a)
11 No owner of a dam or reservoir shall impound water without a
12 valid certificate of approval to impound water at the dam or
13 reservoir.

14 (b) An owner shall submit an application to the board for
15 a certificate of approval to impound water upon completion of
16 the construction of a new dam or reconstruction, enlargement,
17 modification, or alteration of an existing dam. The application
18 shall include:

- 19 (1) A request for the final construction inspection;
20 (2) The design engineer's certification of compliance with
21 the approved plans and specifications;
22 (3) The as-built plans; and



1 (4) A filling and monitoring schedule prepared by the
2 design engineer.

3 (c) Upon review of the application material and a finding
4 by the board, after final inspection, that the dam and reservoir
5 area is safe to impound water, a certificate of approval to
6 impound and authorization to fill shall be issued by the board.

7 (d) The department may revoke or amend a certificate of
8 approval to impound when it determines that the dam or reservoir
9 constitutes a danger to life and property and shall recommend
10 actions that must be taken by the owner to alleviate the hazard
11 associated with the dam."

12 SECTION 7. Section 179D-24, Hawaii Revised Statutes, is
13 amended by amending subsections (a) and (b) to read as follows:

14 "(a) If, in the opinion of the department [7] the owner is
15 not taking the necessary actions and conditions of any dam or
16 reservoir are so dangerous to the health and safety of life or
17 property as to not permit time for issuance and enforcement of
18 an order relative to construction, modification, maintenance, or
19 repair of the dam or reservoir, or the dam or reservoir is
20 threatened by any large flood or other natural disaster, the
21 department may immediately employ remedial measures necessary to
22 protect life and property.



1 (b) The department shall ~~[provide coordination and~~
2 ~~assistance to]~~ coordinate and assist the proper state or county
3 agency or agencies to maintain control of any dam or reservoir
4 that, pursuant to subsection (a), has been determined to be
5 dangerous to life or property until the dam or reservoir is
6 deemed safe, or until any emergency conditions that precipitated
7 taking control of the dam or reservoir, pursuant to subsection
8 (a), have been abated. ~~[The department may determine the proper~~
9 ~~time at which to relinquish control of the dam or reservoir.]~~

10 The department may use any of the resources at its disposal to:

- 11 (1) Take full charge and control of any dam or reservoir;
12 (2) Lower the water level by releasing water from the
13 reservoir;
14 (3) Completely drain the reservoir;
15 (4) Perform any necessary remedial or protective work at
16 the site; or
17 (5) Take any other steps as may be necessary to safeguard
18 life and property.

19 The department shall be in charge and full control of the dam
20 and reservoir until they are rendered safe or until the
21 emergency conditions have ceased and the owner is able to take
22 control of operations. The department's assumption of control



1 over the dam shall not constitute a taking and the department
2 shall not be liable for any diminution in value that may be
3 caused by the department's work."

4 SECTION 8. Pursuant to part III, chapter 39, Hawaii
5 Revised Statutes, the department of budget and finance is
6 authorized to issue revenue bonds in the total amount not to
7 exceed \$, in one or more series, which shall be
8 deposited into the dam rehabilitation loan revolving fund for
9 the establishment and administration of the dam rehabilitation
10 loan program pursuant to Section 2 of this Act.

11 SECTION 9. If any provision of this Act, or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act, which can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 10. In codifying the new sections added by
18 sections 2 and 3 of this Act, the revisor of statutes shall
19 substitute appropriate section numbers for the letters used in
20 designating the new sections in this Act.

21 SECTION 11. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 12. This Act shall take effect on July 1, 2010.

2

INTRODUCED BY:

Calvin K. Ray
K. Ray

JAN 26 2010



Report Title:

Dams and Reservoirs

Description:

Establishes standards for the permitting, inspection, and maintenance of dams, reservoirs, and their appurtenant structures. Establishes the dam rehabilitation loan revolving fund and loan program. Authorizes the issuance of revenue bonds to fund the dam rehabilitation loan program.

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

