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# A BILL FOR AN ACT

RELATING TO DAM AND APPURTENANCE SAFETY.

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

1           SECTION 1. The legislature finds that some plantation era  
2 reservoirs across the State, including locations on Maui county,  
3 are on lands sold by plantation landowners to developers.  
4 Following the sale, developers constructed subdivisions, often  
5 including dams and appurtenances, including reservoirs and  
6 spillways, within deeds to the homeowners or a homeowner's  
7 association.

8           However, many dams and appurtenances located on  
9 subdivisions are not properly maintained. During periods of  
10 extreme weather, the surrounding neighborhoods face significant  
11 risks from flooding. Despite potential hazards posed by the  
12 dams and appurtenances, the department of land and natural  
13 resources considers these dams and appurtenances to be privately  
14 owned and the responsibility of homeowners or homeowner's  
15 associations to maintain proper safety standards. Costly  
16 permits are required to conduct repairs or removal, which  
17 results in dams and appurtenances remaining in an unsafe state.



1 Therefore, the purpose of this Act is to:

2 (1) Establish a dam and appurtenance improvement or  
3 removal grant program to provide private dam or  
4 appurtenance owners with funds for plans, design,  
5 construction, and equipment used to improve or remove  
6 deficient dams and appurtenances as determined by the  
7 department of land and natural resources; and

8 (2) Establish a dam and appurtenance improvement or  
9 removal revolving fund to deposit appropriations from  
10 the legislature for the dam and appurtenance  
11 improvement or removal grant program.

12 SECTION 2. Chapter 179D, Hawaii Revised Statutes, is  
13 amended by adding two new sections to part II to be  
14 appropriately designated and to read as follows:

15 "§179D- Dam and appurtenance improvement or removal  
16 grant program. (a) There is established a dam and appurtenance  
17 improvement or removal grant program, to be developed and  
18 administered by the department for the improvement or removal of  
19 deficient dams in the State.

20 (b) The dam and appurtenance improvement or removal grant  
21 program shall provide funding to private dam owners for plans,



1 design, construction, and equipment that is used to improve or  
2 remove deficient dams and appurtenances as determined by the  
3 department.

4 (c) Grants awarded under the program shall not exceed  
5 \$ . All awards shall be approved by the board prior to  
6 disbursement and shall be subject to conditions imposed by the  
7 board.

8 (d) The department may award grants based on criteria that  
9 shall be developed by the department. Applicants shall meet the  
10 following requirements:

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

14 (2) The applicant shall be the owner of a regulated dam or  
15 appurtenance that has been determined to have one or  
16 more deficiencies; provided that priority shall be  
17 given to dams or appurtenances rated to be in poor or  
18 unsatisfactory condition;

19 (3) The applicant shall indicate on the application that  
20 the proposed plans, design, construction, and



1 equipment shall be intended for remediation or removal  
2 of the dam or appurtenance;

3 (4) If the applicant is an organization, the entity shall:

4 (A) Be licensed to conduct business in the State of  
5 Hawaii; and

6 (B) Have bylaws or policies that describe the manner  
7 in which business is conducted, prohibit  
8 nepotism, and provide for the management of  
9 potential conflict of interest situations;

10 (5) The applicant shall comply with all applicable federal  
11 and state laws prohibiting discrimination against any  
12 person on the basis of race, color, national origin,  
13 religion, creed, sex, age, sexual orientation,  
14 disability, or any other characteristic protected  
15 under applicable federal or state law;

16 (6) The grant shall not be used for purposes of  
17 entertainment or perquisites;

18 (7) All activities and improvements undertaken with funds  
19 received shall comply with applicable federal, state,  
20 and county statutes and ordinances, including  
21 applicable building codes and agency rules;



1       (8) The applicant shall agree to make available to the  
2       department all records the applicant may have relating  
3       to the grant and allow state agencies to monitor the  
4       applicant's compliance with the purpose of this  
5       chapter;

6       (9) The applicant shall establish, to the satisfaction of  
7       the department, that sufficient funds are available  
8       for the completion of plans, design, and construction,  
9       or equipment needed for the purpose for which the  
10      grant is awarded; and

11      (10) The applicant shall comply with other requirements or  
12      conditions as the department or board may prescribe.

13      §179D- Dam and appurtenance improvement or removal  
14      revolving fund. (a) There is established within the state  
15      treasury a revolving fund to be known as the dam and  
16      appurtenance improvement or removal revolving fund, which shall  
17      be administered by the department and into which shall be  
18      deposited appropriations from the legislature for the dam and  
19      appurtenance improvement or removal grant program.

20      (b) Moneys from the fund shall be expended by the  
21      department to support the awarding of grants under the dam and



1 appurtenance improvement or removal grant program for eligible  
2 private dam and appurtenance owners."

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 2023-2024 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2024-2025 to be deposited into the dam and appurtenance  
8 improvement or removal revolving fund.

9 SECTION 4. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so  
11 much thereof as may be necessary for fiscal year 2023-2024 as  
12 one-time seed funding to be deposited into the dam and  
13 appurtenance improvement or removal revolving fund.

14 SECTION 5. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2023-2024 and  
17 the same sum or so much thereof as may be necessary for fiscal  
18 year 2024-2025 to be expended under program ID Department of  
19 Land and Natural Resources - Prevention of Natural Disasters  
20 (LNR810), for operating expenses and the establishment of two



1 full-time equivalent (2.0 FTE) positions in the department of  
2 land and natural resources, to include the following:

- 3 (1) One planner position; and
- 4 (2) One accountant position.

5 The sums appropriated in sections 3, 4, and 5 of this Act  
6 shall be expended by the department of land and natural  
7 resources for the purposes of this Act.

8 SECTION 6. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Dam and Reservoirs; Revolving Fund; Grant Program; Appropriation

**Description:**

Establishes the dam and appurtenance improvement or removal grant program and revolving fund for plans, design, construction, and equipment that is used to improve or remove deficient dams and appurtenances as determined by the Department of Land and Natural Resources and approved by the Board of Land and Natural Resources. Specifies eligibility requirements for dam and appurtenance improvement or removal grants. Appropriates funds. Effective 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.*

