

STAND. COM. REP. NO.

1178

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 652
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 652, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DAM SAFETY,"

begs leave to report as follows:

The purpose of this bill is to ensure the health, safety, and welfare of the people of Hawaii by:

- (1) Establishing a Dam Safety Special Fund (Special Fund) for monitoring and enforcing the safety of dams and reservoirs throughout the state;
- (2) Establishing the Dam Rehabilitation Loan Program (Loan Program) to provide funds to dam owners to make repairs and alterations to dams and reservoirs to increase their safety and effectiveness and prevent future dam failures;
- (3) Limiting the liability of the Board of Land and Natural Resources (BLNR), its officers, employees, and agents from any liability arising out of the failure of a dam;
- (4) Placing all dams and reservoirs in the state under the jurisdiction of BLNR;



- (5) Authorizing BLNR to collect fees and recover expenses from the owner of a dam for BLNR's supervision over the dam's safety; and
- (6) Making an appropriation for the Special Fund and the Loan Program.

The Department of Land and Natural Resources (DLNR), Department of the Attorney General, Dole Food Company Hawaii (Dole), Alexander and Baldwin, Inc., and American Society of Civil Engineers - Hawaii Section supported this bill.

Your Committee has amended this bill by:

- (1) Deleting all provisions with the exception of those establishing the Special Fund;
- (2) Expanding the scope of the purposes for which moneys from the Special Fund can be used in monitoring and enforcing the safety of dams and reservoirs throughout the state by DLNR, including:
 - (A) Conducting investigations and research into ways to provide better maintenance and safety policy for dams;
 - (B) Providing staff and dam owner educational programs;
 - (C) Providing coordination and assistance to other state and county agencies in times of emergency; and
 - (D) Any other purposes to administer the dam safety program;
- (3) Authorizing the appropriation and expenditure of funds for the dam safety program by DLNR; and
- (4) Making technical, nonsubstantive changes for clarity, consistency, and style.

Your Committee acknowledges concerns submitted by Dole regarding providing a blanket classification to apply to all dams and reservoirs. Dole testified that this may create an undue burden on the agricultural industry and requested that the requirements be tiered according to the hazard level and size of



the reservoirs to strike a balance between safety and the sustainability of the agricultural industry in Hawaii.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 652, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 652, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



MARCUS R. OSHIRO, Chair



