

STAND. COM. REP. NO. 1221

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 652
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred H.B. No. 652, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to ensure the safety and maintenance of dams and reservoirs by establishing a Dam Safety Special Fund for monitoring and enforcing the safety of dams and reservoirs throughout the State.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources; the Office of Hawaiian Affairs; the American Society of Civil Engineers, Hawaii Section; and the Dole Food Company Hawai'i.

The Kaloko Reservoir Dam collapsed on March 14, 2006, on the island of Kauai, resulting in the loss of seven lives, massive flooding, and extensive property damage. This tragic incident led to and generated concerns about the safety of Hawaii's dams and reservoirs, and questions regarding liability and the cause of this massive disaster.

In light of the Kaloko Dam tragedy, a report was submitted to the Legislature, which addressed the problems of the lack of maintenance and the absence of an emergency overflow at the Kaloko Dam. The report offered proposed amendments to chapter 179D, Hawaii Revised Statutes.

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Your Committee finds that adopting the proposed legislation from the report relating to the creation of a dam safety special fund will enable the State to increase the effectiveness of its dam safety program under chapter 179D, Hawaii Revised Statutes. Your Committee further finds that H.B. No. 1905, H.D. 3, adopts the proposed legislation the report offered to strengthen the monitoring and enforcement measures that provide dam and reservoir safety throughout the State. Your Committee believes that the contents of this measure and H.B. No. 1905, H.D. 3, should be combined into one comprehensive package of safety and monitoring measures to ensure the safety and maintenance of dams and reservoirs. In light of this belief, earlier this session, your Committee created such a combined measure which culminated in S.B. No. 1946, S.D. 1.

Accordingly, your Committee has amended this measure by replacing its language with language from S.B. No. 1946, S.D. 1, which offers essentially the same comprehensive package of safety and monitoring measures for dams and reservoirs by:

- (1) Amending chapter 179D, Hawaii Revised Statutes, to enhance, broaden, balance, and clarify the provisions under chapter 179D; and
- (2) Adding a new part to chapter 179D, Hawaii Revised Statutes, which establishes a dam and reservoir safety program, including a Dam Safety Special Fund to carry out the purposes of the program.

Your Committee has further amended this measure by:

- (1) Clarifying that during the application process for a certificate of approval to impound, the owner of a dam or reservoir completed prior to the effective date of this measure may continue to impound water, unless it is determined by the Board of Land and Natural Resources that the dam or reservoir poses a high hazard risk;
- (2) Changing the blank appropriation amounts to be deposited into the Dam Safety Special Fund and expended by the Department of Land and Natural Resources to \$2,000,000;
- (3) Changing the effective date of this measure from July 1, 2050, to effective upon approval; provided that the



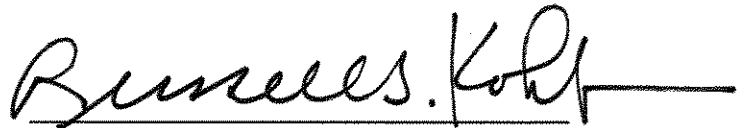
appropriations for the purposes of the Dam Safety Special Fund are effective on July 1, 2007; and

- (4) Making technical, nonsubstantive amendments for the purposes of consistency and style.

Your Committee believes that this measure, as amended, further ensures and emphasizes the safety and maintenance of dams and reservoirs, which fulfills the intent of this measure.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 652, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 652, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,



RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* HB 652 HD2	Committee Referral: WAH, WAM	Date: 3/17/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam			X	
TOTAL	4	0	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	

*Only one measure per Record of Votes