

STAND. COM. REP. NO.

791

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 142  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 142 entitled:

"A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS,"

begs leave to report as follows:

The purpose and intent of this measure is to protect Hawaii's water resources by establishing safeguards and mechanisms to preserve and maintain the State's dams and reservoirs.

Specifically, the measure:

- (1) Statutorily declares dams and reservoirs as important water resources that provide significant benefits to the public;
- (2) Requires the Board of Land and Natural Resources, in administering the Dam and Reservoir Safety Program, to consider the need to consistently maintain and operate dams and reservoirs in a feasible manner to sustain their roles as important water resources for the State;
- (3) Clarifies that fees charged by the Board of Land and Natural Resources to cover its costs in administering dam and reservoir safety are to cover a portion of those costs;
- (4) Requires the Board of Land and Natural Resources to consider a lower hazard potential classification for dam



or reservoir operations systems that enable the direct control of water inflow; and

- (5) Requires the Department of Land and Natural Resources to include, in its annual report on dams and reservoirs to the Governor and the Legislature, initiatives implemented to ensure that dams and reservoirs continue to be retained and operated in a feasible manner that sustains their roles as important water resources.

Your Committee received written comments in support of this measure from Hawaii Farm Bureau Federation; Maui County Farm Bureau; Paul Oshiro, Manager - Government Relations, Alexander and Baldwin, Inc.; and Land Use Research Foundation of Hawaii.

Your Committee received written comments in opposition to this measure from ILWU Local 142.

Your Committee received written comments on this measure from William J. Aila, Jr., Chairperson, Department of Land and Natural Resources; and the Office of Hawaiian Affairs.

Your Committee finds that in addition to serving Hawaii's agricultural industry, dams and reservoirs also benefit the general public by providing drinking water, renewable energy through hydropower, and flood control and drainage for public safety. By recognizing that the maintenance of dams and reservoirs must be feasible for them to remain in operation, this measure enables the Board of Land and Natural Resources to give due consideration to the critical importance of dams and reservoirs to the State in its administration of the dam and reservoir safety program.

Your Committee has amended this measure by:

- (1) Eliminating the provisions that:
  - (A) Require the Board of Land and Natural Resources to consider a lower hazard potential classification for dam or reservoir operations systems that enable the direct control of water inflow; and
  - (B) Require the Department of Land and Natural Resources to include, in its annual report on dams and reservoirs to the Governor and the Legislature,

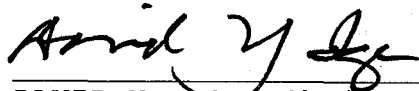


initiatives implemented to ensure that dams and reservoirs continue to be retained and operated in a feasible manner that sustains their roles as important water resources;

- (2) Rephrasing and reorganizing the statutory declaration that dams and reservoirs are important water resources and establishing the Board of Land and Natural Resources' duty to maintain and operate them in a feasible manner, provided that public safety concerns are addressed; and
- (3) Changing the effective date to July 1, 2050, to encourage further discussion on this measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 142, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 142, S.D. 1.

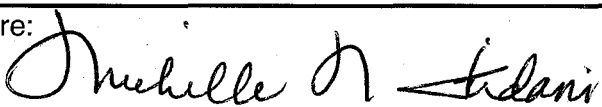
Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
\_\_\_\_\_  
DAVID Y. ICE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 142	WLH, WAM	3-1-11		
<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
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.	/			
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam		/		
<b>TOTAL</b>	13	1	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes