

STAND. COM. REP. NO. **1265**

Honolulu, Hawaii

MAR 14, 2025

RE: S.B. No. 1221
S.D. 2
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Water & Land, to which was referred S.B. No. 1221, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO STORMWATER MANAGEMENT SYSTEMS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit counties from permitting or allowing retention and detention ponds to be constructed, except under certain conditions;
- (2) Creating safety requirements for retention and detention ponds in the State and a program for monitoring and inspecting retention and detention ponds for compliance with the safety requirements; and
- (3) Requiring the Department of Land and Natural Resources to conduct a survey of existing retention and detention ponds statewide.

Your Committee received testimony in support of this measure from the Waikiki Neighborhood Board; Keiki Injury Prevention Coalition; Hawai'i Lodging & Tourism Association; and numerous

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individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources; Hawai'i Community Development Authority; and Hunt Development Group, LLC.

Your Committee finds that drowning is the number one cause of death for children between the ages of one and fifteen in the State. Your Committee further finds that retention and detention ponds, while essential for stormwater management, pose serious risks to public health and safety due to their potential for sudden water level changes and deep standing water. Improperly maintained and unregulated retention and detention ponds are particularly dangerous for young children, who are unaware of the risks these ponds pose. Your Committee believes that regulating the construction and permitting of retention and detention ponds, including the establishment of minimum safety standards, will help save the lives of our keiki and is necessary to ensure the health and safety of all residents and visitors.

Your Committee notes that during decision making, your Committee inadvertently announced that it intended to replace the contents of this measure with the contents of H.B. No. 1232 (Regular Session of 2025), which is the companion to this measure but did not receive a hearing in the House. However, your Committee intended to replace the contents of this measure with the contents of H.B. No. 1233, H.D. 2 (Regular Session of 2025), a substantially similar measure that was previously passed by your Committee.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 1233, H.D. 2, a measure that:
 - (A) Requires the counties to adopt ordinances to regulate retention and detention ponds, including establishing a permitting process for the construction of new ponds and safety standards for ponds;
 - (B) Requires the counties to conduct a survey of existing retention and detention ponds statewide and submit a report to the Legislature; and



- (C) Appropriates funds as a grant-in-aid to the counties for these purposes;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1221, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1221, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,



MARK J. HASHEM, Chair



