

STAND. COM. REP. NO. 221

Honolulu, Hawaii

FEB 11 2025

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Energy and Intergovernmental Affairs and Health and Human Services, to which was referred S.B. No. 1221 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit counties from permitting or allowing retention and detention ponds to be constructed except under certain conditions;
- (2) Require the Department of Health to monitor and inspect retention and detention ponds statewide to increase safety and prevent drownings; and
- (3) Appropriate funds for the establishment of four full-time equivalent (4.0 FTE) inspector positions to inspect retention ponds and detention ponds across the State.

Your Committees received testimony in support of this measure from twelve individuals.



Your Committees received comments on this measure from the Department of Health.

Your Committees find that detention and retention ponds, when properly maintained, help manage stormwater and control flooding by holding a permanent pool of water. Your Committees recognize that Hawaii has the highest drowning rate in the nation for visitors and the second highest drowning rate in the nation for residents. Your Committees also find that the State has no existing laws governing the maintenance of detention and retention ponds. Your Committees recognize that with the more frequent and intense rainfall caused by climate change, the construction and use of detention and retention ponds has increased as well. Therefore, your Committees believe that the State should join other jurisdictions across the United States in developing retention and detention pond safety programs, minimizing threats to public health and safety and preventing tragedies like the untimely death of Charlotte "Sharkey" Schaefer, a five-year old girl who drowned in a detention pond while trying to save the life of her childhood friend.

Your Committees note concerns from the Department of Health that the development of safety requirements and safety inspections are beyond its functions and capabilities. Your Committees further recognize that the Department of Land and Natural Resources has related expertise and experience in these matters as it inspects dams and reservoirs statewide. Your Committees note that Senate Bill No. 1222, Regular Session of 2025, is a substantially similar measure that also prohibits counties from permitting or allowing retention or detention ponds to be constructed except under certain conditions. Your Committees conclude that certain language in Senate Bill No. 1222 is preferable because it establishes safety requirements and requires a survey of all existing retention and detention ponds statewide.

Accordingly, your Committees have amended this measure by:

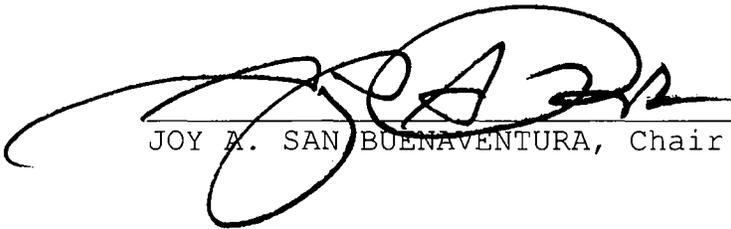
- (1) Requiring a responsible person proposing the construction and maintenance of a retention or detention pond to file an affidavit with the Department of Land and Natural Resources;



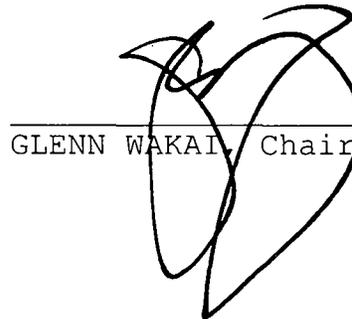
- (2) Requiring the Department of Land and Natural Resources, rather than the Department of Health, to establish a monitoring and inspection program to perform annual safety inspections of each retention and detention ponds statewide built after an unspecified date;
- (3) Inserting language to require the Department of Land and Natural Resources to conduct a survey of all existing retention and detention ponds statewide and to submit a report to the Legislature;
- (4) Amending language to establish and fund two full-time equivalent (2.0 FTE) positions within the Department of Land and Natural Resources to conduct the inspections;
- (5) Inserting an effective date of May 13, 2040, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Intergovernmental Affairs and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1221, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1221, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Energy and
Intergovernmental Affairs and
Health and Human Services,



JOY A. SAN BUENAVENTURA, Chair



GLENN WAKAI, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1221	EIG/HHS, WAM	2/6/2025		
<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
SAN BUENAVENTURA, Joy A. (C)	/			
AQUINO, Henry J.C. (VC)				/
HASHIMOTO, Troy N.	/			
KEOHOKALOLE, Jarrett				/
FEVELLA, Kurt	/			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes