

STAND. COM. REP. NO. 1599

Honolulu, Hawaii

APR 04 2023

RE: H.B. No. 365  
H.D. 1  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 365, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS,"

begs leave to report as follows:

The purpose and intent of this measure is to expand exclusions from the definition of "development" as it applies to special management areas to reduce the need for special management area permits for certain activities.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Planning and Sustainable Development, Department of Planning and Permitting of the City and County of Honolulu, Office of the Mayor of the County of Maui, one member of the Maui County Council, and Land Use Research Foundation of Hawaii.

Your Committee finds that targeted amendments to the definition of "development" as it relates to special management areas will promote, not undercut, the environmental controls and quality that special management area regulations are intended to protect. Currently, the broad definition of "development" coupled with rising labor and material costs can result in a special management area use permit review being required for improvements, facilities, and incidental structures that may not warrant such



intense scrutiny and the associated costs and delays that go along with it. This measure will streamline special management area permitting procedures and reduce costs for certain activities that do not have adverse environmental impacts on the special management area.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 365, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 365, H.D. 1, S.D. 2.

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



---

KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 365 HDI SDI	WTL, JDC	3/21/23

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     
  Pass, with amendments 2311     
  Hold 2310     
  Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	5	—	—	—

Recommendation:  Adopted       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