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# A BILL FOR AN ACT

RELATING TO DETENTION AND RETENTION PONDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act shall be known as the "Charlotte  
2 'Sharkey' Schaefers Act", in memory of the young girl who  
3 drowned in 2004 while attempting to rescue a friend who had  
4 fallen into a retention pond.

5           SECTION 2. The legislature finds that unregulated and  
6 poorly maintained rainwater detention and retention ponds can  
7 potentially pose a health and safety risk, particularly to  
8 Hawaii's children. Since rainwater retention and detention  
9 ponds can sometimes be mistaken for recreational bodies of  
10 water, safety features may be prudent to protect children from  
11 drowning.

12           The purpose of this Act is to establish a task force to  
13 investigate and examine the dangers of retention ponds and to  
14 recommend appropriate safety measures.

15           SECTION 3. (a) There is established in the department of  
16 health a temporary water safety task force to be composed of the  
17 following officials or their designee:

- 1           (1) The director of health, as chair of the task force;
- 2           (2) The attorney general;
- 3           (3) The chairperson of the board of land and natural
- 4                 resources;
- 5           (4) The president of the Hawaii chapter of the American
- 6                 Public Works Association, who shall be requested to
- 7                 assist the task force;
- 8           (5) The mayor of the city and county of Honolulu;
- 9           (6) The mayor of the county of Maui;
- 10          (7) The mayor of the county of Kauai;
- 11          (8) The mayor of the county of Hawaii;
- 12          (9) The executive director of the Hawaii Association for
- 13                 Justice, who shall be requested to assist the task
- 14                 force;
- 15          (10) The commander of the United States Army Corps of
- 16                 Engineers Honolulu Engineering District, who shall be
- 17                 requested to assist the task force; and
- 18          (11) The director of the United States Department of
- 19                 Agriculture's Hawaii field office, who shall be
- 20                 requested to assist the task force.
- 21          (b) The responsibilities of the task force shall be to:

- 1 (1) Collect data and determine the advisability of  
2 limiting or defining liability to landowners from  
3 persons injured on their land, where the land is made  
4 available for the retention of flood waters and  
5 runoff;
- 6 (2) Determine minimum safety requirements for the  
7 development and maintenance of retention ponds,  
8 including but not limited to proper borders, fencing,  
9 landscaping, and sloping;
- 10 (3) Determine the appropriate warning signs for retention  
11 ponds;
- 12 (4) Determine the need for a periodic retention pond  
13 inspection program; and
- 14 (5) Consider any other relevant matters pertaining to the  
15 safety of retention ponds.
- 16 (c) The task force shall submit its findings, including  
17 any proposed legislation, to the legislature no later than  
18 twenty days prior to the convening of the regular session of  
19 2010.
- 20 (d) The task force shall cease to exist on June 30, 2010.
- 21 SECTION 4. This Act shall take effect on July 1, 2009.

**Report Title:**

Detention and Retention Ponds

**Description:**

Establishes a temporary water safety task force. (SD1)