

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 1057  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Energy and Environment and Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1057 entitled:

"A BILL FOR AN ACT RELATING TO DETENTION AND RETENTION PONDS,"

beg leave to report as follows:

The purpose of this measure is to ensure the health, safety, and welfare of the citizens of the State by:

- (1) Adopting design and maintenance requirements for retention ponds, detention ponds, and catchment area ponds; and
- (2) Including retention pond, detention pond, and catchment area pond safety within the Department of Education's water safety curriculum.

Testimony in support of this measure was submitted by one private organization and fourteen individuals, including Allison Schaefer, whose daughter, Charlotte "Sharkey", drowned in 2004 while attempting to rescue a friend who had fallen into a retention pond. Testimony in support of the intent of this measure was submitted by one private organization. Testimony in opposition to the measure was submitted by one county department and four private organizations. Comments were submitted by two state departments and two private organizations. Written



testimony presented to the Committees may be reviewed on the Legislature's website.

Various testifiers, including Allison Schaefer, expressed concerns that the design and maintenance requirements in this measure may be premature, and suggested first establishing a task force to collect data and examine the advisability and effectiveness of a detention/retention pond safety program before instituting specific design and maintenance requirements. Comments regarding the specifics of such a task force were submitted by the American Council of Engineering Companies of Hawaii.

Your Committees find that the unintended hazards that may be posed by detention and retention ponds must be thoroughly examined and appropriate safeguards instituted. The life of a child is a terrible and tragic price to pay in the name of design expedience or cost-effectiveness, when simple measures, such as warning signs, could have prevented this tragedy.

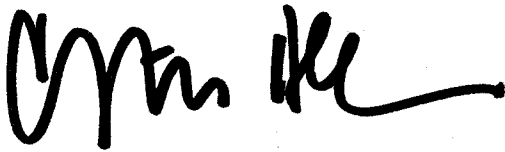
Your Committees have amended this measure by:

- (1) Deleting its contents and substituting the language regarding the water safety task force recommended by the American Council of Engineering Companies of Hawaii;
- (2) Inserting into the revised measure the following: "This Act shall be known as the "Charlotte 'Sharkey' Schaefer Act", in memory of the young girl who drowned in 2004 while attempting to rescue a friend who had fallen into a retention pond"; and
- (3) Modifying the revised measure by emphasizing that the task force shall determine the appropriate warning signs for retention ponds.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water, Land, Agriculture, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1057, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1057, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Energy and  
Environment and Water, Land,  
Agriculture, and Hawaiian  
Affairs,



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CLAYTON HEE, Chair



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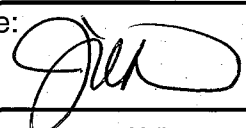
MIKE GABBARD, Chair





The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1057	ENE/WTL, WAM	2/17/09		
<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
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol				✓
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.				✓
HEMMINGS, Fred	✓			
<b>TOTAL</b>	4	0	0	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes