

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2764
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2764, 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, one member of the Maui County Council, and Hawai'i State Association of Counties.

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:

- (1) Adopting the recommendations proposed by the Office of Planning and Sustainable Development as follows:
 - (A) Specifying that the exclusions from the special management areas definition of "development" include the installation, maintenance, repair, and replacement of traffic control barriers;
 - (B) Clarifying that the exclusions from the special management areas definition of "development" include the installation of fencing, including associated improvements and incidental structures, for invasive species control or preservation of native habitats on conservation land;
 - (C) Clarifying that the exclusions from the special management areas definition of "development" include the installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to establish compliance with current standards at existing public facilities; and
 - (D) Specifying that the exclusions from the special management areas definition of "development" include the installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2764, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2764, S.D. 2.



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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2764, SD1	WTC, JDC	02-25-22		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)				✓
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris				✓
FEVELLA, Kurt		✓		
TOTAL	4	1	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes