

STAND. COM. REP. NO. **3724**

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 1923
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1923, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CAMPS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow overnight camps in operation prior to January 1, 1961, to be regulated via the special permit process.

Your Committee received testimony in support of this measure from the Department of Agriculture; Office of Planning and Sustainable Development; Boy Scouts of America, Aloha Council; and Maui Chamber of Commerce.

Your Committee finds that in *Ho'omoana Foundation v. Land Use Commission*, 152 Haw. 337, 526 P.3d 314 (2023), the Hawaii Supreme Court held that the specific exclusion of overnight camps from permitted uses under section 205-4.5(a)(6), Hawaii Revised Statutes, means that the public and private recreational use of overnight camps in agricultural districts is not permitted, even by special permit, overruling the Hawaii Supreme Court's decision in *Maha'ulepu v. Land Use Commission*, 71 Haw. 332, 790 P.2d 906 (1990). Your Committee further finds that there are two campgrounds with special permits expiring within the next two years on Maui and two camps on Oahu that may also be impacted by



the ruling in *Ho'omoana Foundation*. As a result of *Ho'omoana Foundation*, these campgrounds would need to obtain a district boundary amendment to change the land use classification from agricultural to urban, which is an overly burdensome process as these campgrounds are in rural settings with no urban uses in the nearby vicinity. This measure codifies that overnight camps in operation before January 1, 1961, may be regulated via the special permit process.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment 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 H.B. No. 1923, 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. 1923, H.D. 1, S.D. 2.

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

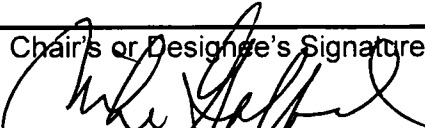


KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 1923 HD1 SD1	Committee Referral: WTL, JDC	Date: 04/02/24		
<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)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	4	—	—	1
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