

JAN 18 2008

A BILL FOR AN ACT

RELATING TO STATE CONTRACTS.

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

1 SECTION 1. The legislature finds that the recent decision
2 of the Hawaii Supreme Court in *The Sierra Club v. The Department*
3 *of Transportation of the State of Hawaii*, 115 Haw. 299, 167 P.3d
4 292 (2007), provided an unprecedented interpretation of chapter
5 343, Hawaii Revised Statutes, relating to the applicability of
6 the environmental assessment and impact statement process to
7 state projects. The legislature further finds that in light of
8 this decision, it would be prudent to initiate a review of
9 existing state contracts and projects that to date have been
10 determined to be exempt from the preparation of an environmental
11 assessment or environmental impact statement to determine
12 whether they may now be subject to the requirements of section
13 343-5, Hawaii Revised Statutes.

14 SECTION 2. (a) The attorney general is directed to
15 initiate and oversee a review of all state contracts and
16 projects in existence prior to the effective date of Act 2,
17 Second Special Session Laws of Hawaii 2007, that were determined



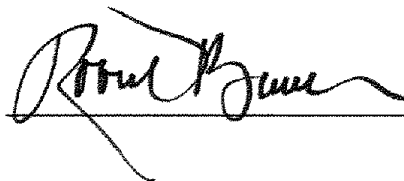
1 to be exempt from section 343-5, Hawaii Revised Statutes, to
2 determine if those contracts or projects may now be subject to
3 the preparation of an environmental assessment or environmental
4 impact statement pursuant to chapter 343, Hawaii Revised
5 Statutes.

6 (b) If, during the course of the review, the attorney
7 general determines that any existing state contract or project
8 may now be subject to the preparation of an environmental
9 assessment or environmental impact statement pursuant to chapter
10 343, then the attorney general shall submit legislation to
11 clarify that an environmental assessment or environmental impact
12 statement is not required for that contract or project.

13 SECTION 3. This Act shall take effect upon its approval.

14

INTRODUCED BY:



Report Title:

State Contracts; Environmental Assessments

Description:

Directs the attorney general to review existing state contracts and projects to determine if compliance with environmental impact statement law is required because of state supreme court decision in The Sierra Club v. The Department of Transportation of the State of Hawaii ("Superferry decision").

