

STAND. COM. REP. NO.

3414

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 1037
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Water and Land and Intergovernmental and Military Affairs and Energy and Environment, to which was referred H.B. No. 1037, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,"

beg leave to report as follows:

The purpose of this measure is to require agencies to account for sea-level rise and to minimize risks from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis. This measure also extends shoreline setbacks to not less than forty feet from the shoreline and requires counties to account for annual erosion rates in establishing setback ordinances.

Testimony in support of this measure was submitted by the State Department of Defense. The Department of Land and Natural Resources, Office of Hawaiian Affairs, Sierra Club Hawai'i Chapter, and two individuals submitted testimony in support of this measure with proposed amendments. Testimony in support of the intent of this measure was submitted by the State Office of Planning. The City and County of Honolulu Department of Planning and Permitting submitted testimony in opposition to this measure.

Your Committees find that it is important for the Legislature to codify its policy regarding taking preventative measures against potential damage to structures by coastal hazards. Your Committees further find that the various agencies issuing permits



for shoreline construction must consider the issue of sea-level rise when considering whether to grant permits.


Your Committees have amended this measure as follows:

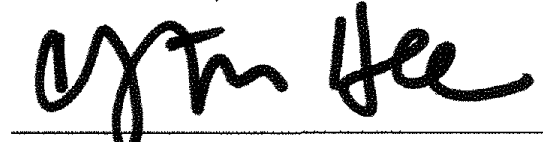
- (1) By making the established shoreline setbacks mandatory upon the counties;
- (2) By providing that the erosion-rate based determination of required shoreline setbacks be based upon a one hundred-year projection rather than a fifty-year projection;
- (3) By providing that the determination of whether to grant a variance to the required shoreline setback shall be based on whether it is determined to be in the public interest rather than whether there is likely to be hardship to the applicant if the variance is not granted; and
- (4) By making technical, nonsubstantive amendments for the purpose of clarity and style.

As affirmed by the records of votes of the members of your Committees on Water and Land and Intergovernmental and Military Affairs and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1037, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1037, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Intergovernmental and
Military Affairs and Energy and
Environment,


LORRAINE R. INOUYE, Chair


CLAYTON HEE, Chair


RON MENOR, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:
HB1037, HD1	WTL/IGM/ENE	3/31/08

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol	/			
TOKUDA, Jill N.	/			
WHALEN, Paul				/
TOTAL	4			1

Recommendation:
 Adopted
 Not Adopted

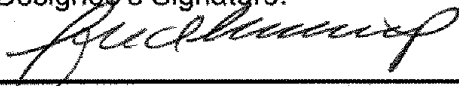
Chair's or Designee's Signature:


Distribution:
 Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes

The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1037 HD1	WTL / IGM / ENE	3-31-08		
<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
INOUYE, Lorraine R. (C)	✓			
TSUTSUI, Shan S. (VC)				✓
HEMMINGS, Fred	✓			
TOTAL	2	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink				
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*Only one measure per Record of Votes

