

STAND. COM. REP. NO.

2866

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2808  
S.D. 2

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

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2808, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT  
STATEMENTS,"

begs leave to report as follows:

The purpose of this measure is to exempt from environmental  
assessment requirements:

- (1) Certain projects involving the use of state or county  
lands, or when the expenditure of state or county funds  
limited to an existing public street, road, or highway  
for an easement, drainage, waterlines, access  
improvements, utility right of way, or the like; and
- (2) Certain projects involving a modification or disposal of  
highway access rights or use, occupancy, or work within  
a public highway right-of-way to serve private  
development outside the highway right-of-way.

Testimony in support of this measure was submitted by the  
Department of Transportation; the City and County of Honolulu,  
Department of Planning and Permitting; the American Society of  
Civil Engineers; The Chamber of Commerce of Hawaii; the  
Contractors Association of Kaua'i; The Gas Company; the General  
Contractors Association of Hawaii; the Hawaii Developers' Council;  
Hidano Construction, Inc.; HSI Mechanical, Inc.; the Laborers  
Union Local 368; Maui Contractors Association; Miyake Concrete

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Accessories, Inc.; Ralph S. Inouye Co., Ltd.; the National Association of Industrial and Office Properties; and one individual. Testimony in opposition was received from Earthjustice; the Native Hawaiian Legal Corporation; the University of Hawaii Environmental Center; the Sierra Club, Hawai'i Chapter; and three individuals.

Your Committee notes that this measure expressly provides that it is not intended to be interpreted as exempting the entirety of a development project from environmental assessment requirements. Additionally, the proposed exemptions are inapplicable when the cumulative impact of certain planned successive actions is significant or when impacts may be significant due to the involvement of a particularly sensitive environment. Further, the proposed exemption for modification or disposal of highway access rights or use is inapplicable when a Land Use Commission or Board of Land and Natural Resources action is involved; when certain small acreages of land undisturbed by intensive human uses is involved; or when the use of certain plants and animals not established in Hawaii are involved.

Your Committee received a large number of comments from the public concerning this measure. Your Committee notes that this bill contains a one-year sunset date in light of a possible study of our State's environmental impact statement law. In this regard, some public street, road, or highway projects may warrant an environmental assessment while others may not. Your Committee also notes the measure's July 1, 2050 effective date to encourage further discussion.

Your Committee hopes that the parties in support and in opposition can work on their differences which will result in a compromise.

Your Committee amended this measure by removing the section 1 purpose clause.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2808, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2808, S.D. 2.



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

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2808 SD1</b>	Committee Referral: <b>ENE/TIA, JDL</b>	Date: <b>2/28/08</b>		
<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
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike		/		
KOKUBUN, Russell S.		/		
NISHIHARA, Clarence K.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>3</b>	<b>2</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Russell S. Koko</i>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office              Drafting Agency              Committee File Copy				

\*Only one measure per Record of Votes