Honolulu, Hawaii

April 30 , 2009

RE: H.B. No. 640
        H.D. 1
        S.D. 2
        C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir and Madam:

    Your Committee on Conference on the disagreeing vote of the
House of Representatives to the amendments proposed by the Senate in
H.B. No. 640, H.D. 1, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to
recommend and does recommend to the respective Houses the final
passage of this bill in an amended form.

    The purpose of this bill is to eliminate undue delays for
certain actions that involve the installation, improvement,
renovation, construction, or development of infrastructure
(including roadway improvements, waterlines, wastewater lines and
facilities, drainage facilities, and electrical, communication, and
cable utilities) within a public right-of-way or highway by
clarifying that such projects are exempt from Chapter 343, Hawaii
Revised Statutes, the environmental review law.

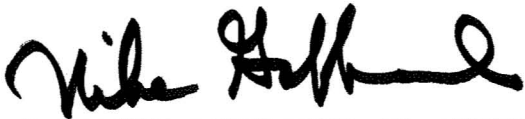   Your Committee on Conference has amended this bill by:

HB640 CD1 HCCR HMS 2009-4040

(1) Inserting a preamble;

(2) Clarifying that the exemption from the environmental review law under this bill applies to any primary action requiring a permit or approval that is not subject to a discretionary consent and involving a secondary action that is ancillary and limited to infrastructure development within a public right-of-way or highway;

(3) Eliminating the provision disqualifying projects involving infrastructure that may have a significant effect on the environment from the exemption under this measure;

(4) Inserting a definition for "discretionary consent";

(5) Changing the effective date to July 1, 2009, with a sunset date of July 1, 2011; and

(6) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 640, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 640, H.D. 1, S.D. 2, C.D. 1.
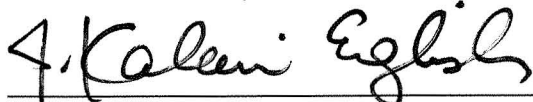
Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

MIKE GABBARD, Chair

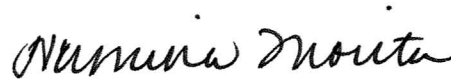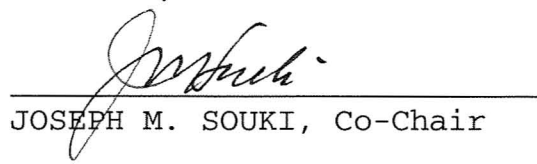J. KALANI ENGLISH, Co-Chair

BRIAN T. TANIGUCHI, Co-Chair

ON THE PART OF THE HOUSE

HERMINA MORITA, Co-Chair

KEN ITO, Co-Chair

JOSEPH M. SOUKI, Co-Chair

HB640 CD1 HCCR HMS 2009-4040

Hawaii State Legislature

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 640, HD 1, SD 2	Date/Time: 1:55 pm 4-30-2008

☒ The recommendation of the House and Senate managers is to pass with amendments (CD).

☐ The Committee is reconsidering its previous decision.

☐ The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure   ☒ The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GABBARD, Mike, Chr.	✓				MORITA, Hermina M., Co-Chr.	✓			
ENGLISH, J. Kalani, Co-Chr.	✓				ITO, Ken, Co-Chr.				✓
TANIGUCHI, Brian T., Co-Chr.				✓	SOUKI, Joseph M., Co-Chr.	✓			
KOKUBUN, Russell S.	✓				CHING, Corinne W.L.	✓			
HEMMINGS, Fred				✓					
TOTAL	3	0	0	2	TOTAL	3	0	0	1

A = Aye	WR = Aye with Reservations	N = Nay	E = Excused

Senate Recommendation is: ☒ Adopted ☐ Not Adopted	House Recommendation is: ☒ Adopted ☐ Not Adopted
Senate Lead Chair's or Designee's Signature: *[signature]*	House Lead Chair's or Designee's Signature: *[signature]*

Distribution:	**Original** *File with Conference Committee Report*	**Yellow** *House Clerk's Office*	**Pink** *Senate Clerk's Office*	**Goldenrod** *Drafting Agency*