

Honolulu, Hawaii

March 19, 2010

RE: S.B. No. 2818
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2818, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to change the roles of the director of the Office of Environmental Quality Control and the Environmental Council with regard to administration of the environmental review process.

Specifically, this measure amends Chapter 341, Hawaii Revised Statutes, by:

- (1) Reducing the size of the Environmental Council from 15 to nine members;
- (2) Revising the role of the Director of the Office of Environmental Quality Control to consist of administrative and advisory duties in support of the Environmental Council;
- (3) Revising the role of the Environmental council to include advising the Governor on environmental quality matters and rulemaking to implement Chapters 341 and 343, Hawaii Revised Statutes; and



- (4) Requiring the office to comply with several unfunded mandates such as:
 - (A) Creating an electronic communication system;
 - (B) Submitting an annual report to the Governor and Legislature analyzing the effectiveness of the State's environmental review system;
 - (C) Conducting statewide workshops; and
 - (D) Publishing an annual environmental review guidebook or supplement.

The Water Resources Research Center and Environmental Center of the University of Hawaii testified in support of this bill. The Office of Hawaiian Affairs and Nature Conservancy of Hawaii supported the intent of this measure. The Department of the Attorney General, The Chamber of Commerce of Hawaii, Building Industry Association of Hawaii, Outdoor Circle, Land Use Research Foundation of Hawaii, and a concerned individual testified in opposition to this measure. The Department of Budget and Finance and Department of Planning and Permitting of the City and County of Honolulu provided comments.

Your Committee notes that a working group has been assembled to address concerns regarding changes to Hawaii's environmental review policy, which were proposed in this bill when it was introduced. Although this bill is being kept alive so that the working group may have more time to refine its proposed measure, your Committee has grave concerns regarding the lack of public notice that will attend any backdoor insertion of new provisions.

Your Committee has amended this measure by changing the effective date to December 21, 2058.

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 S.B. No. 2818, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2818, S.D. 2, H.D. 2.



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



JON RIKI KARAMATSU, Chair



