

STAND. COM. REP. NO.

2621

Honolulu, Hawaii

FEB 26 2010

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

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2818, S.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 revise and clarify the administration and processes of environmental review to create a more streamlined, open, and consistent process.

Specifically, this measure:

- (1) Reduces the size of the Environmental Council from fifteen to nine members;
- (2) Revises 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) Revises the role of the Environmental Council to include advising the Governor on environmental quality matters and rulemaking to implement Chapter 341 and 343, Hawaii Revised Statutes;
- (4) Establishes the Environmental Review Special Fund; and



- (5) Makes numerous amendments to revise and streamline the environmental review process in Chapter 343, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from The Nature Conservancy. Comments in opposition were submitted by the Department of Health. The written comments may be reviewed on the Legislature's website.

Your Committee finds that this measure implements many of the recommendations that resulted from the examination of the State's environmental review system pursuant to Act 1, Session Laws of Hawaii 2008. Your Committee finds that these amendments will help clarify:

- (1) The roles and duties of the Environmental Council and Director of the Office of Environmental Quality Control;
- (2) The types of actions that will be subject to an environmental review and the timing of the review;
- (3) The applicability of criteria for the significance of environmental effects;
- (4) The timing and extent of public notice and comment; and
- (5) The duration of environmental impact statements.

Your Committee has amended this measure by:

- (1) Clarifying that the Director of the Office of Environmental Quality Control submits its annual report to the Legislature and the Governor;
- (2) Clarifying that the Office of Environmental Quality Control is allowed to charge reasonable fees for printed copies of records;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion; and
- (4) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2818, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2818, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




DONNA MERCADO KIM, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2818 SD1	ENE/WTL, WAM	2/22/10		
<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
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood	/			
HEE, Clayton				/
HOOSER, Gary L.	/			
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.	/			
TOKUDA, Jill N.	/			
HEMMINGS, Fred				/
<b>TOTAL</b>	10	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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