

STAND. COM. REP. NO.

512

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 402

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Culture & the Arts,  
to which was referred H.B. No. 402 entitled:

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

beg leave to report as follows:

The purpose of this bill is to protect native Hawaiian  
culture by, among other things:

- (1) Requiring that all draft and final environmental assessments and environmental impact statements include a cultural impact assessment that assesses the impact and effect on native Hawaiian culture;
- (2) Establishing what should be contained in the cultural impact assessment;
- (3) Requiring public notification of and consultation in the preparation of the cultural impact assessment;
- (4) Requiring, as a condition precedent to the acceptance of an environmental assessment or statement, approval of a cultural impact assessment by the Office of Hawaiian Affairs (OHA); and
- (5) Providing a definition of "cultural impact assessment."



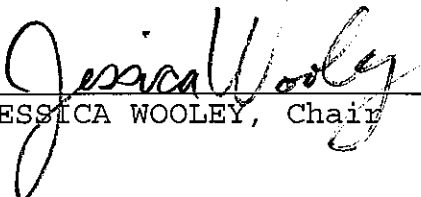
OHA, Aha Kiole Advisory Committee, Association of Hawaiian Civic Clubs, Papa Ola Lokahi, Hanalei Watershed Hui, KAHEA: The Hawaiian-Environmental Alliance, and a concerned individual supported this bill. The Office of Environmental Quality Control supported the intent of this measure. The Chamber of Commerce of Hawaii, NAIOP-Hawaii Chapter, and Building Industry Association-Hawaii opposed this bill. The Department of Land and Natural Resources offered comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2012;
- (2) Conditioning the repeal of the bill upon the adoption of rules, pursuant to chapter 91, Hawaii Revised Statutes, by the Environmental Council that prescribe the contents and procedures for a cultural impact assessment; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Culture & the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 402, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.B. No. 402, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Culture & the Arts,

  
\_\_\_\_\_  
JESSICA WOOLEY, Chair


  
\_\_\_\_\_  
FAYE HANOHANO, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

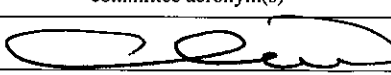
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Record of Votes of the Committee on Hawaiian Affairs

Bill/Resolution No.: <b>HB 402</b>	Committee Referral: <b>EET, HAW/COA, FIN</b>	Date: <b>2/16/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. LEE, Chris (VC)	✓			
3. BELATTI, Della Au	✓			
4. JORDAN, Jo		✓		
5. MIZUNO, John M.	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica	✓			
8. YAMANE, Ryan I.		✓		
9. PINE, Kymberly Marcos		✓		
10. WARD, Gene				X
<b>TOTAL (10)</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				

*Jtscr 512*

Record of Votes of the Committee on Culture & the Arts

Bill/Resolution No.: <b>HB402</b>	Committee Referral: <b>EEP, HAW/CUA, FIN</b>	Date: <b>2/16/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CUA Members	Ayes	Ayes (WR)	Nays	Excused
1. WOOLEY, Jessica (C)	✓			
2. BELATTI, Della Au (VC)	✓			
3. HANOHANO, Faye P.	✓			
4. JORDAN, Jo		✓		
5. LEE, Chris	✓			
6. MIZUNO, John M.	✓			
7. MORIKAWA, Dee	✓			
8. PINE, Kymberly Marcos		✓		
<b>TOTAL (8)</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>0</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align:center;"></div>				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				