

CONFERENCE COMMITTEE REP. NO. 8

Honolulu, Hawaii

APR 28 2011 , 2011

RE: S.B. No. 1493
S.D. 1
H.D. 3
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1493, S.D. 1, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO LIGHT POLLUTION,"

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 measure is to protect the State's valuable night sky resource by requiring every new and replacement outdoor light fixture, whether commercial or residential, to use full-cutoff fixtures to direct the lighting downward, with certain exceptions.

Your Committee on Conference finds that the night sky in Hawaii is a valuable natural and cultural resource for the State. The dark night sky has tremendous scientific value for astronomers and is of vital importance for endangered species including birds and turtles. Your Committee on Conference further finds that unnecessary light pollution is threatening the dark night sky over the entire State and that much of this light pollution is caused by improperly

2011-2241 SCCR SMA.doc



shielded lights. Act 161, Session Laws of Hawaii 2009, formed a temporary advisory committee to assist in the development of a statewide starlight reserve strategy to preserve the quality of the night sky and its associated values. This measure is intended to implement the recommendations of that temporary advisory committee.

Your Committee on Conference recognizes the concern that the use of the term "fully shielded" as opposed to "full-cutoff" may raise issues regarding the levels of uniformity required by the Illuminating Engineering Society of North America for street lighting and force the realignment of existing light poles. As the term "fully shielded" is the preferred term of the advisory committee and the most appropriate form of light pollution reduction for the purposes of this measure, clarification is necessary to ensure that requiring fully shielded lighting does not create undue hardship for the government entities responsible for street lighting.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Specifying in the purpose section that it is not the Act's intent to require realignment or relocation of existing light poles;
- (2) Replacing the term "full-cutoff" with the term "fully shielded";
- (3) Deleting the language that would have allowed non-complying fixtures to be used when full-cutoff fixtures would not meet the criteria of the Illuminating Engineering Society of North America;
- (4) Adding language to specify that replacement street lighting shall be fully shielded unless a registered electrical engineer certifies that fully shielded lighting will not meet the criteria of the Illuminating Engineering Society of North America in which case partially shielded lights may be used;
- (5) Clarifying with specificity the acceptable alternatives for the lighting of athletic fields when fully shielded lighting is impractical; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.




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 S.B. No. 1493, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1493, S.D. 1, H.D. 3, C.D. 1.

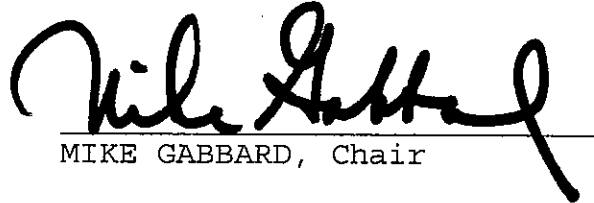
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JOSEPH M. SOUKI, Co-Chair



MIKE GABBARD, Chair



DENNY COFFMAN, Co-Chair



CAROL FUKUNAGA, Co-Chair




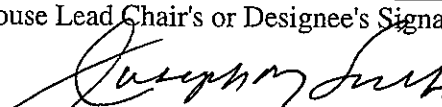
LINDA ICHIYAMA, Co-Chair



Hawaii State Legislature

CCR 8

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1493, SD 1, HD 3					Date/Time: 4/21/11 3:18 p.m.						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> 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.		✓				SOUKI, Joseph M., Co-Chr.		✓			
FUKUNAGA, Carol, Co-Chr.		✓				COFFMAN, Denny, Co-Chr.		✓			
IHARA, Les, Jr.					✓	ICHIYAMA, Linda, Co-Chr.		✓			
						EVANS, Cindy		✓			
						JOHANSON, Aaron Ling		✓			
TOTAL		2			1	TOTAL		5			
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 						
Distribution: Original Yellow Pink Goldenrod File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency											