

STAND. COM. REP. NO. 1000

Honolulu, Hawaii

March 21, 2011

RE: S.B. No. 699
S.D. 2
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 Committee on Energy & Environmental Protection, to which was referred S.B. No. 699, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL,"

begs leave to report as follows:

The purpose of this bill is to ensure the protection of Hawaii's environment by:

- (1) Establishing the Environmental Review Special Fund (Special Fund);
- (2) Stipulating the types of moneys to be deposited into the Special Fund and what the moneys in the Special Fund shall be used for; and
- (3) Establishing filing fees for environmental review documents to help fund the operations of the Office of Environmental Quality Control (OEQC).

OEQC and several concerned individuals testified in support of this bill. The Department of Design and Construction of the City and County of Honolulu and Land Use Research Foundation of Hawaii testified in opposition to this measure. The Department of Budget and Finance and Department of Land and Natural Resources provided comments.

SB699 HD1 HSCR EEP HMS 2011-3032



Currently, OEQC is charged with the duty to ensure environmental protection in Hawaii. Their responsibilities include:

- (1) Managing the Environmental Assessment (EA) and Environmental Impact Statement (EIS) process;
- (2) Providing education and outreach about the EA and EIS process and law;
- (3) Publishing an annual report on Hawaii's environment; and
- (4) Acting as a public voice for Hawaii's environment including serving as a legislative advocate for the environment and as an environmental complaint repository.

However, current funding levels for OEQC have resulted in inadequate staffing, making the fulfillment of this duty and these responsibilities difficult. This measure addresses this issue by providing a mechanism for supplemental funding for OEQC.

Your Committee has amended this measure by:

- (1) Clarifying its purpose;
- (2) Allowing the Director of Environmental Quality Control to appoint staff without regard to Hawaii's Civil Service law and Collective Bargaining in Public Employment law;
- (3) Inserting actual dollar amounts for the established interim filing fees;
- (4) Changing the reference to the fee for any supplemental EA to refer instead to the fee for other significant addendum to a final EA;
- (5) Changing the reference to the fee for any supplemental EIS to refer instead to the fee for a final EA or supplemental EIS preparation notice;
- (6) Inserting two additional fees for filing a supplemental draft EIS and any supplemental final EIS;



- (7) Stipulating that the interim filing fees shall be effective 30 days after the enactment of this measure and shall apply to initial filings and related subsequent filings until fees are established by rules;
- (8) Providing an exemption from the payment of fees for environmental studies filed with OEQC prior to the enactment of this measure for a period of 180 days from the enactment of this measure; and
- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 699, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 699, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,

Denny Coffman

DENNY COFFMAN, Acting Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 1000

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 699 SD2	Committee Referral: EEP, FIN	Date: 3/15/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input 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)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)				
2. COFFMAN, Denny (VC)	X			
3. CABANILLA, Rida T.R.				X
4. CARROLL, Mele				X
5. CHANG, Jerry L.	X			
6. CHONG, Pono	X			
7. HAR, Sharon E.				X
8. HERKES, Robert N.	X			
9. ITO, Ken				X
10. NAKASHIMA, Mark M.	X			
11. RIVIERE, Gil	X			
12. THIELEN, Cynthia	X			
TOTAL (12)	7			4
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: <i>Cynthia Thielen</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				