
A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The purpose of this Act is to promote economic
3 development by temporarily removing regulatory restrictions to
4 the expeditious construction of certain state and county
5 projects.

6 The legislature finds that the economic recovery has not
7 been robust. One strategy to promote economic revitalization is
8 by way of capital expenditures on public infrastructure
9 projects. This strategy will generate jobs and infuse dollars
10 into the local economy. Additionally, the public infrastructure
11 constructed will benefit the general public.

12 Part II temporarily exempts airport structures and
13 improvements from the special management area permit and
14 shoreline setback variance requirements when the structures and
15 improvements are necessary to comply with Federal Aviation
16 Administration regulations.

17 Part III temporarily authorizes the heads of the department
18 of land and natural resources and department of transportation,



1 with the approval of the governor, to exempt department projects
2 from the special management area permit and shoreline setback
3 variance requirements. This part is repealed on June 30, 2015.

4 Part IV exempts all work involving submerged lands used for
5 state commercial harbor purposes from any permit and site plan
6 review requirements for lands in the conservation district.
7 This part does not sunset.

8 Part V temporarily authorizes a more streamlined process
9 for exempting state projects from the environmental review
10 process of chapter 343, Hawaii Revised Statutes. This part is
11 repealed on June 30, 2015.

12 PART II

13 SECTION 2. The purpose of this part is to temporarily
14 exempt airport structures and improvements from the special
15 management area permit and shoreline setback variance
16 requirements when the structures and improvements are necessary
17 to comply with Federal Aviation Administration regulations.

18 SECTION 3. Section 261-4, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) Structures and improvements. [~~All~~] Notwithstanding
21 any law or provision to the contrary, all structures and
22 improvements to land, to be used for airport purposes [~~may~~]:



1 (1) May be planned, designed, and constructed by the
2 department[~~-~~]; and

3 (2) Shall be exempt from requirements to obtain a special
4 management area minor permit, special management area
5 use permit, or shoreline setback variance; provided
6 that the structures and improvements relating to
7 airports are necessary to comply with Federal Aviation
8 Administration regulations."

9 PART III

10 SECTION 4. The purpose of this part is to temporarily
11 authorize the heads of the department of land and natural
12 resources and department of transportation, with the governor's
13 approval, to exempt their department projects from the special
14 management area permit and shoreline setback variance
15 requirements.

16 SECTION 5. Chapter 171, Hawaii Revised Statutes, is
17 amended by adding a new section to part I to be appropriately
18 designated and to read as follows:

19 "§171- Exemption from special management area permit
20 and shoreline setback variance requirements; authorized. (a)

21 For the purpose of this section, "state project" means a
22 development as defined in section 205A-22 for which:

1 (1) The contracting agency is the department of land and
2 natural resources; and

3 (2) The funding includes state or federal funds.

4 (b) The board, with the approval of the governor, may
5 exempt any state project from the requirements of part II and
6 part III of chapter 205A; provided that any project exempted
7 under this section shall be subject to:

8 (1) The requirements of chapter 343, unless exempt from
9 the need for an environmental assessment under that
10 chapter; and

11 (2) Consultation with the office of conservation and
12 coastal lands and office of planning.

13 (c) The board may delegate the authority granted under
14 this section to the chairperson."

15 SECTION 6. Chapter 264, Hawaii Revised Statutes, is
16 amended by adding a new section to part I to be appropriately
17 designated and to read as follows:

18 "§264- Exemption from special management area permit
19 and shoreline setback variance requirements; authorized. (a)

20 For the purpose of this section, "state project" means a
21 development as defined in section 205A-22 for which:



- 1 (1) The contracting agency is the department of
- 2 transportation; and
- 3 (2) The funding includes state or federal funds.
- 4 (b) The director of transportation, with the approval of
- 5 the governor, may exempt any state project from the requirements
- 6 of part II and part III of chapter 205A; provided that any
- 7 project exempted under this section shall be subject to:
- 8 (1) The requirements of chapter 343, unless exempt from
- 9 the need for an environmental assessment under that
- 10 chapter; and
- 11 (2) Consultation with the office of conservation and
- 12 coastal lands and office of planning."

PART IV

14 SECTION 7. The purpose of this part is to exempt all work
15 involving submerged lands used for state commercial harbor
16 purposes from any permit and site plan review requirements for
17 lands in the conservation district.

18 SECTION 8. Chapter 266, Hawaii Revised Statutes, is
19 amended by adding a new section to part I to be appropriately
20 designated and to read as follows:

21 "§266- Exemption from conservation district permitting
22 and site plan approval requirements. Notwithstanding any law to



1 the contrary, all work involving submerged lands used for state
2 commercial harbor purposes shall be exempt from any permitting
3 and site plan approval requirements established under chapter
4 183C for lands in a conservation district."

5 PART V

6 SECTION 9. The purpose of this part is to temporarily
7 authorize a more streamlined process for exempting state
8 projects from the environmental review process of chapter 343,
9 Hawaii Revised Statutes. The legislature emphasizes that this
10 part does not statutorily expand the types of state projects
11 that are exempt under the existing provisions of chapter 343 or
12 pertinent implementing rules.

13 SECTION 10. Chapter 343, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§343- Exemption list for state; authorization for
17 establishment by governor. Until June 30, 2015, the governor
18 may establish a list of specific types of state projects that
19 are actions exempt from the need for preparation of an
20 environmental assessment because they will probably have minimal
21 or no significant effects on the environment. When establishing
22 the list of exempted projects, the governor may consult with



1 public officers and employees deemed appropriate by the
2 governor. The governor may include in the list types of state
3 projects already exempt by state agencies and other types of
4 state projects deemed by the governor to qualify for exemption
5 under this section.

6 The governor may establish the list without necessity of:

7 (1) Approval by the environmental council;

8 (2) Compliance with procedures established by the
9 environmental council pursuant to section 343-6(a)(2)
10 or rules of the office of environmental quality
11 control; or

12 (3) Adoption of rules under chapter 91.

13 The office, upon request of the governor, shall provide
14 public notice of the list of exemptions and any amendments
15 through the periodic bulletin prescribed in section 343-3.

16 A list established by the governor and any amendment to it
17 shall take effect on the date specified by the governor, but not
18 earlier than the issuance date of the bulletin by which the
19 office informs the public of the list and amendment."

20 SECTION 11. Section 343-2, Hawaii Revised Statutes, is
21 amended by adding two new definitions of "construction" and



1 "state project" to be appropriately inserted and to read as
2 follows:

3 "Construction" includes grading, grubbing, stockpiling,
4 excavation, foundation laying, pile driving, demolition,
5 building, reconstruction, rehabilitation, renovation, repairing,
6 maintaining, paving, landscaping, and any other improvement of
7 real property.

8 "State project" means a construction project for which:

- 9 (1) The contracting agency is a state agency; and
10 (2) The funding includes state or federal funds."

11 SECTION 12. A list of exempted state projects established
12 by the governor pursuant to this part shall be repealed on June
13 30, 2015; provided that the governor may extend the exemption
14 for any projects identified on the list for which construction
15 has commenced but not concluded by June 30, 2015, after the
16 repeal of this part.

17 PART VI

18 SECTION 13. The legislature intends that the exemptions
19 authorized under this Act be additional to the current
20 exemptions under chapters 205A and 343, Hawaii Revised Statutes,
21 or pertinent rule.



1 SECTION 14. It is the intent of this Act not to jeopardize
2 the receipt of any federal aid. If any provision of this Act is
3 found to be in conflict with federal requirements that are a
4 prescribed condition for the allocation of federal funds to the
5 State, those provisions shall be void.

6 SECTION 15. If any provision of this Act, or the
7 application thereof to any person or circumstance, is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 16. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 17. The repeal of part II, III, or V of this Act
16 shall not affect rights and duties that matured, penalties that
17 were incurred, and proceedings that were begun before the repeal
18 date, including:

- 19 (1) The validity of any state project exempted under part
20 II from the special management area permit and
21 shoreline setback variance requirements before the
22 repeal date of that part; and



1 (2) The validity of any state project exempted under part
2 III from the environmental assessment requirement
3 before the repeal date of that part.

4 SECTION 18. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 19. This Act shall take effect on July 1, 2012;
7 provided that:

8 (1) Parts II, III, and V shall be repealed on June 30,
9 2015; and

10 (2) On July 1, 2015, the following sections 261-4 and 343-
11 2, Hawaii Revised Statutes, shall be reenacted in the form in
12 which they existed on the day before the effective date of this
13 Act.



Report Title:

Economic Development; Special Management Area Permits, Shoreline Setback Variances, Environmental Assessment Exemptions

Description:

Temporarily exempts airport structures and improvements from the special management area permit and shoreline setback variance requirements when the structures and improvements are necessary to comply with FAA regulations. Temporarily authorizes the Department of Land and Natural Resources and Department of Transportation, with the approval of the Governor, to exempt certain projects from the special management area permit and shoreline setback variance requirements. Exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district. Temporarily authorizes a more streamlined process for exempting state from the environmental review process of chapter 343, Hawaii Revised Statutes. (SB755 HD3)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

