

Honolulu, Hawaii
Feb 2, 2012

RE: H.B. No. 2154
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2154 entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS, "

begs leave to report as follows:

The purpose of this measure is to assist the Department of Transportation in the effective and efficient operation of its airport facilities by providing a provisional exception to the special management area use permit for development at airport facilities when the development is necessary to comply with Federal Aviation Administration regulations.

The Department of Transportation and The Chamber of Commerce of Hawaii testified in support of this measure. The Office of Planning of the Department of Business, Economic Development, and Tourism testified in support of the intent of this measure. The Sierra Club-Hawaii Chapter testified in opposition to this measure.

The special management area permitting system is part of Hawaii's coastal zone management law which was enacted to protect, preserve, and where possible, restore the natural resources of the coastal zone of Hawaii. However, the special management area permitting process can be time consuming and may delay projects from going to construction. This is of particular importance when the Department of Transportation is attempting to address issues



to remain in compliance with Federal Aviation Administration regulations. Exempting airport projects that are necessary to comply with Federal Aviation Administration regulations from the special management area permitting process will help the Department of Transportation in completing these projects more quickly.

However, your Committee notes that, according to the Office of Planning of the Department of Business, Economic Development, and Tourism, rather than amending the coastal zone management law, it would be more appropriate to amend statutory provisions relating to airport structures and improvements. Your Committee has also been informed that the Office of Planning of the Department of Business, Economic Development, and Tourism is currently working on an alternative permitting process for state projects that is consistent with the coastal zone management program and will present its findings to the Legislature prior to the Regular Session of 2013.

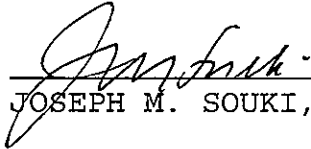
Your Committee has amended this bill by:

- (1) Deleting its contents and replacing it with language that amends statutory provisions relating to airport structures and improvements to allow for the exemption from special management area minor or use permits when the development is necessary to comply with Federal Aviation Administration regulations;
- (2) Inserting a repeal date of June 30, 2013, to reflect the position of the Office of Planning of the Department of Business, Economic Development, and Tourism that a new permitting process for state projects that is consistent with the coastal zone management program will be ready to be enacted by that date; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2154, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2154, H.D. 1, and be referred to the Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection.



Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 39-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2154	Committee Referral: TRN, WLO/EEP, FIN	Date: 1/30/12		
<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)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom	/			
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	12			
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: <u>Linda Ichiyama</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				