

STAND. COM. REP. NO. 1284-12

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2281
S.D. 1
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 Energy & Environmental Protection, to which was referred S.B. No. 2281, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to authorize agencies to bypass the preparation of an environmental assessment and proceed directly to the preparation of an environmental impact statement, or allow an applicant to do the same, if the agency determines that an environmental impact statement is likely to be required for a proposed action.

The Office of Environmental Quality Control and The Outdoor Circle supported this measure. The Land Use Research Foundation of Hawaii and several individuals opposed this measure. The Office of Hawaiian Affairs, the Office of Planning, and the Building Industry Association of Hawaii commented on this measure.

Your Committee has amended this measure by:

- (1) Deleting the definitions for the terms "direct to environmental impact statement decision" and "direct to environmental impact statement notice" and references thereto;

SB2281 HD1 HSCR EEP HMS 2012-3062



- (2) Specifying that the agency proposing an action, other than feasibility or planning studies for possible future programs and projects or using public funds to acquire certain types of unimproved land, may choose not to prepare an environmental assessment and instead prepare an environmental impact statement that begins with the preparation of an environmental impact statement preparation notice;
- (3) Specifying that a reviewing agency may authorize an applicant to choose not to prepare an environmental assessment and instead prepare an environmental impact statement that begins with the preparation of an environmental impact statement preparation notice;
- (4) Restoring the 60-day deadline back to a 30-day deadline for initiating a judicial proceeding to review an agency's decision regarding an environmental impact statement; and
- (5) 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. 2281, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2281, S.D. 1, 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, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HOUR 1284-12

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 2281 SDI	Committee Referral: EEP, FIN	Date: 3/20/12		
<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)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. COFFMAN, Denny (C)	✓			
2. KAWAKAMI, Derek S.K. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. CARROLL, Mele				✓
5. CHANG, Jerry L.	✓			
6. HAR, Sharon E.				✓
7. HERKES, Robert N.				✓
8. ITO, Ken				✓
9. NAKASHIMA, Mark M.	✓			
10. RIVIERE, Gil	✓			
11. THIELEN, Cynthia				
TOTAL (11)	7	∅	∅	4
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; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				