

Honolulu, Hawaii

APR 26 2012

RE: S.B. No. 2873
S.D. 1
H.D. 3
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
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. 2873, S.D. 1, H.D. 3, entitled:

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

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:

- (1) Exempt ancillary secondary actions, limited to the installation, improvement, renovation, construction, or development of infrastructure within an existing public right-of-way or highway, from the environmental impact statements law if certain conditions are met;
- (2) Require applicants, rather than affected agencies, to prepare environmental assessments for certain proposed actions; and



- (3) Mandate that the Office of Environmental Quality Control determine whether the preparation of the environmental assessment is required by an applicant when there is a question as to which of two or more state or county agencies has the responsibility of determining whether an environmental assessment is required.

Your Committee on Conference finds that if environmental assessments and environmental impact statements are no longer required for certain actions, as proposed by this measure, the State will be able to realize administrative efficiencies. This measure contains provisions that overlap with Act 87, Session Laws of Hawaii 2009 (Act 87), as amended by Act 45, Session Laws of 2011 (Act 45), which enacted an exemption from the environmental impact statements law for projects that meet certain criteria. Due to the potential for conflicts between this measure and Act 87, as amended by Act 45, your Committee on Conference finds that Acts 87 and 45 should be repealed.

Your Committee on Conference has amended this measure by:

- (1) Clarifying the definition of "secondary action";
- (2) Specifying that, in situations involving secondary actions that are exempt from chapter 343, Hawaii Revised Statutes, pursuant to this measure, where there is a question as to which agency is responsible for determining whether an environmental assessment is required, the Office of Environmental Quality Control is not required to determine whether preparation of an environmental assessment by an applicant is required;
- (3) Repealing Act 87, Session Laws of Hawaii 2009; and
- (4) Repealing Act 45, Session Laws of Hawaii 2011.

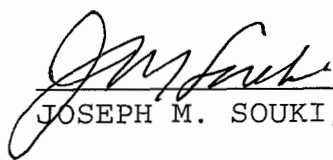
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2873, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2873, 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



GILBERT KEITH-AGARAN, Co-Chair

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2873, SD 1, HD 3	Date/Time: <i>April 26, 2012 10:33 am.</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

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.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GABBARD, Mike, Chr.	✓				SOUKI, Joseph M., Co-Chr.	✓			
IHARA, Les, Jr.	✓				COFFMAN, Denny, Co-Chr.	✓			
SLOM, Sam	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
					ITO, Ken	✓			
					FONTAINE, George R.	✓			
TOTAL	3	-	-	-	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
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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