

STAND. COM. REP. NO.

2446

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2873  
S.D. 1

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

Sir:

Your Committee on Energy and Environment, to which was referred S.B. No. 2873 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt secondary actions from the state environmental impact statements law, chapter 343, Hawaii Revised Statutes; and
- (2) Require applicants, rather than affected agencies, to prepare environmental assessments for certain proposed actions.

Your Committee received testimony in support of this measure from the Department of Transportation, The Chamber of Commerce of Hawaii, Building Industry Association, Land Use Research Foundation of Hawaii, and National Association of Industrial and Office Properties of Hawaii. Your Committee received testimony in opposition to this measure from the Office of Environmental Quality Control, Sierra Club, and The Outdoor Circle. Your Committee received comments on this measure from Hawaiian Electric Company, Inc.

Your Committee finds that this measure will relieve agencies from conducting environmental assessments when the agencies have

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not proposed the action. By requiring an applicant for a proposed action to prepare the environmental assessment in lieu of the approving agency, this measure prevents waste of taxpayer monies. This measure will also prevent unnecessary delays for secondary actions that would be clearly exempt from environmental assessment requirements, such as an installation of a utility line across a public right-of-way.

Your Committee has amended this measure by:

- (1) Deleting language that requires certain secondary actions to be exempt from chapter 343, Hawaii Revised Statutes;
- (2) Adding language that authorizes an agency to exempt certain secondary actions from chapter 343, Hawaii Revised Statutes;
- (3) Inserting language clarifying that the applicant for the primary action is the applicant responsible for submitting documentation from the appropriate agency confirming that no further discretionary approvals are required;
- (4) Clarifying that a secondary action refers to any action on infrastructure within the highway or public right-of-way that is ancillary or incidental to the primary action;
- (5) Deleting the measure's repeal date; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2873, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Energy and  
Environment,



MIKE GABBARD, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:* <b>SB 2873</b>	Committee Referral: <b>ENE</b>	Date: <b>23 Feb 2012</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes