

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 755
S.D. 2
H.D. 2

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

Sir:

Your Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection, to which was referred S.B. No. 755, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,"

beg leave to report as follows:

The purpose of this measure is to stimulate Hawaii's economy by legalizing the game of poker under specified conditions, including games conducted through the Internet.

For the purposes of a public hearing on this measure, your Committees circulated Proposed S.B. 755 S.D.2, H.D.2 and notified the public that it would accept testimony on the proposal, which authorizes temporary or permanent exemptions for some government projects from environmental requirements, including the special management area permit and shoreline setback variance requirements, permit and site plan approval requirements, and environmental assessment requirements.

Your Committees received testimony from the following organizations and individuals on the proposed draft:

The Department of Transportation; the Building Industry Association of Hawaii; the General Contractors Association of Hawaii; the Land Use Research Foundation of Hawaii; Laborers'



International Union of North America, Local 368; the Pacific Resource Partnership; and two individuals in support.

The Office of Environmental Quality Control; the Office of Hawaiian Affairs; Hawaii's Thousand Friends; Historic Hawaii Foundation; The Outdoor Circle; the Environmental Council; Life of the Land; the Marine and Coastal Zone Advocacy Council; the Sierra Club, Hawaii Chapter; and numerous individuals in opposition; and comments from the Department of Land and Natural Resources; the Office of Planning of the Department of Business, Economic Development, and Tourism; and an individual.

Your Committees adopted the proposed draft with the following amendments:

- (1) Deleting the provisions that temporarily make the Office of Planning responsible for the issuance of special management area permits and shoreline setback variances for state projects;
- (2) Deleting the provision that permits the Governor to amend the list from time to time of specific types of state projects that are exempt from the need to prepare an environmental assessment;
- (3) Deleting the provision that allows county mayors to have the authority to establish and amend an exemption list of county projects as conferred upon the Governor for state projects;
- (4) Deleting the provision that allows the county or state agency's list of exempt actions to remain valid, even if the Governor or a mayor establishes a separate list;
- (5) Deleting the provision that allows the Governor's or mayor's list to remain valid after the repeal of the section, until terminated by the Governor or a mayor;
- (6) Repealing the list of exempted state projects established by the Governor on June 30, 2015, provided that the governor may extend the exemption for any project identified on the list for which construction has commenced but not yet concluded by June 30, 2015; and



- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committees note that section 13 of this measure amends section 343-7(a), Hawaii Revised Statutes, to reduce the deadline for appealing the lack of the environmental assessment for a state or county project from 120 days to 60 days. Your Committees further note that this 60-day deadline is the same as the existing deadlines for other challenges under section 343-7(b) and (c).

As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 755, S.D. 2, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 755, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, &
Ocean Resources and Energy &
Environmental Protection,



DENNY COFFMAN, Chair

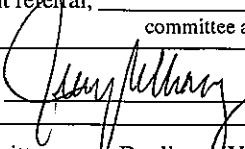


JERRY L. CHANG, Chair



State of Hawaii
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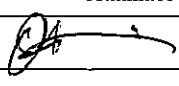
Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 755, SD2, HD1	Committee Referral: WLO/EEP, FIN	Date: 3/22/12		
<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)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	X			
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida T.R.				X
4. CARROLL, Mele				X
5. COFFMAN, Denny	X			
6. HERKES, Robert N.				X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. NAKASHIMA, Mark M.	X			
10. RIVIERE, Gil			X	
11. THIELEN, Cynthia			X	
TOTAL (11)	6		2	3
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: 				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				

HSR 130712

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Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 755 SD2 HD1	Committee Referral: VVO/EEP, FIN	Date: 3/22/12		
<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)	6		2	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
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