

STAND. COM. REP. NO. 2339

Honolulu, Hawaii

FEB 13 2014

RE: S.B. No. 632  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 632 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL COURTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish environmental courts as divisions within the circuit courts to hear all proceedings, including certain chapter 91, Hawaii Revised Statutes, proceedings arising from environmental laws; and
- (2) Require the Judiciary to report to the Legislature on the total number of environmental-related cases filed in the last five years.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Americans for Democratic Action, Keep the Hawaiian Islands Beautiful, International Coastal Cleanup, Lani-Kailua Outdoor Circle, and sixteen individuals. Your Committee received testimony in opposition to this measure from the Building Industry Association of Hawaii and Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Judiciary and Office of Planning.

Your Committee finds that environmental disputes are currently dealt with in a variety of courts. This organizational

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structure inadvertently promotes inconsistent application of the wide variety of environmental laws. The continued maintenance and improvement of Hawaii's environment requires constant vigilance and continued stewardship to ensure its lasting beauty, cleanliness, and uniqueness and the stability of its natural systems, all of which enhance the mental and physical well-being of Hawaii's people.

Your Committee has amended this measure by:

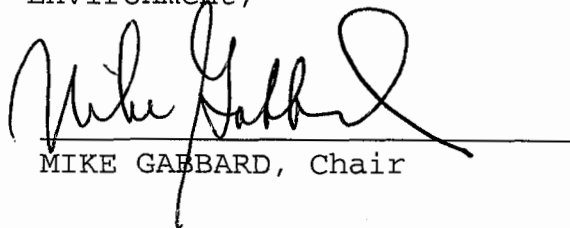
- (1) Clarifying the exclusive jurisdiction of the environmental courts to include proceedings related to:
  - (A) Environmental response;
  - (B) Litter control;
  - (C) E-waste recycling;
  - (D) Solid waste;
  - (E) Safe drinking water;
  - (F) Air pollution control;
  - (G) Ozone layer protection;
  - (H) Water pollution;
  - (I) Nonpoint source pollution;
  - (J) Noise pollution;
  - (K) Integrated waste management;
  - (L) Solid waste pollution;
  - (M) Special wastes recycling;
  - (N) Hazardous waste;
  - (O) Underground storage tanks;
  - (P) Asbestos and lead;



- (Q) Environmental Impact Statements; and
- (R) Uniform Environmental Covenants Act;
- (2) Amending the deadline by which the Judiciary is required to report findings to the Legislature to twenty days prior to the convening of the Regular Session of 2015;
- (3) Clarifying that the term "environmental court", or the like, shall be substituted in only the chapters in which the environmental courts have exclusive jurisdiction;
- (4) Inserting an effective date of January 1, 2015, to give the Judiciary some time to implement this measure; and
- (5) Making a technical, nonsubstantive amendment 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. 632, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 632, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



MIKE GABBARD, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <b>SB 632</b>	Committee Referral: <b>ENE, JDL</b>	Date: <b>2/11/14</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)	<del>X</del>			
RUDERMAN, Russell E. (VC)	<del>X</del>			
CHUN OAKLAND, Suzanne	<del>X</del>			
IHARA, Jr., Les				<del>X</del>
SLOM, Sam				<del>X</del>
<b>TOTAL</b>	<b>3</b>			<b>2</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