
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the case of *Unite*
2 *Here! Local 5 v. The City and County of Honolulu*, 124 Hawaii 171
3 (2010), examined environmental impact statements and whether or
4 not approved environmental impact statements have expiration
5 dates. The Hawaii supreme court ruled against the assumptions
6 that an environmental impact statement is indefinitely valid
7 once completed and approved for a project, and that there is no
8 time sensitivity as to the actual start and end date of the
9 proposed project. The legislature further finds that many large
10 scale projects that require an environmental impact statement
11 take years longer than initially anticipated and go beyond the
12 time period of potential impacts examined in the environmental
13 impact statement. Although state law lacks an explicit time
14 frame of validity for an environmental impact statement, section
15 11-200-26, Hawaii Administrative Rules, requires a supplemental
16 environmental impact statement when a project with an approved
17 environmental impact statement has changed substantively in



1 size, scope, intensity, use, location, or timing. The
2 legislature finds that while a supplemental environmental impact
3 statement may ensure consideration of an action that is
4 essentially different from the action proposed under the
5 original environmental impact statement, the drafting,
6 submission, and approval of a supplemental environmental impact
7 statement adds costs to projects that are often already
8 expensive. Therefore, the legislature concludes that
9 establishment of an explicit time frame of validity for an
10 environmental impact statement, in combination with mandatory
11 community involvement during periods of construction delay, may
12 ensure that an environmental impact statement does not go stale,
13 without need for triggering a costly supplemental environmental
14 impact statement in every situation.

15 The purpose of this Act is to establish a task force to
16 evaluate the process of executing a delayed construction project
17 that has not commenced within ten years of acceptance of its
18 environmental impact statement.

19 SECTION 2. (a) There is established within the department
20 of health a task force to evaluate the process of executing a
21 delayed construction project that has not commenced within ten



1 years of acceptance of its environmental impact statement and
2 obtaining a supplemental environmental impact statement for the
3 delayed construction process.

4 (b) The task force shall consist of the following members:

5 (1) The director of environmental quality control or the
6 director's designee, who shall serve as the chair of
7 the task force;

8 (2) The director of agriculture or the director's
9 designee;

10 (3) The chairs of the standing committees of the senate
11 whose subject matter jurisdiction relate to the
12 environment and land;

13 (4) The chairs of the standing committee of the house of
14 representatives whose subject matter jurisdiction
15 relates to the environment and land;

16 (5) A representative of the General Contractors
17 Association of Hawaii;

18 (6) A representative of the Building Industry Association
19 of Hawaii; and

20 (7) A representative of the Land Use Research Foundation
21 of Hawaii.



1 Task force members may recommend additional members with
2 appropriate specialized expertise to the task force, with the
3 approval of the chairperson.

4 (c) In carrying out its duties, the task force shall
5 address:

6 (1) The factors that may substantially affect and delay
7 the process in which a construction project can
8 proceed, including the availability of financing,
9 interest rates, and market conditions for the product
10 type being developed;

11 (2) The applicability of a supplemental environmental
12 impact statement for delayed construction projects
13 that have not commenced within ten years of acceptance
14 of its initial environmental impact statement;

15 (3) Alternatives for obtaining a supplemental
16 environmental impact statement for a delayed
17 construction project, including:

18 (A) Exercising due diligence with respect to any
19 changes in the community where the project is
20 planned, including but not limited to community
21 population changes, zoning changes, compatibility



1 with land use plans, and secondary effects on the
2 community, such as changes in traffic flow or
3 visual blight; and

4 (B) Holding community discussion and feedback
5 sessions in which relevant and newly discovered
6 information surrounding the project, including
7 social, environmental, and economic concerns, to
8 be shared with the community in which the project
9 is being constructed;

10 (4) The impact that additional public hearings may have on
11 the timetable of delayed construction projects; and

12 (5) The applicability of establishing alternatives to a
13 supplemental environmental impact statement for
14 capital improvement projects undertaken on state-owned
15 agricultural lands and irrigation water systems.

16 (d) Members of the task force shall serve without
17 compensation, but shall be reimbursed for reasonable expenses
18 incurred, including travel expenses. No member of the task
19 force shall be made subject to chapter 84, Hawaii Revised
20 Statutes, solely because of that member's participation as a
21 member of the task force.



1 (e) The task force shall submit a report of its findings
2 and recommendations, including proposed legislation, to the
3 legislature no later than twenty days prior to the convening of
4 the regular session of 2019.

5 (f) The department of health shall provide administrative
6 and clerical support required by the task force.

7 (g) The task force shall be dissolved on June 30, 2019.

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2018-2019 for the
11 task force established pursuant to this Act.

12 The sum appropriated shall be expended by the department of
13 health for the purposes of this Act.

14 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Environmental Impact Statement; Delayed Construction; Task Force

Description:

Establishes a task force to evaluate the process of executing a delayed construction project that has not commenced within ten years of acceptance of its environmental impact statement.

(SB2645 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

