

STAND. COM. REP. NO.

2238

Honolulu, Hawaii

FEB 13 2018

RE: S.B. No. 2645
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred S.B. No. 2645 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to require, for any proposed action involving construction for which an environmental impact statement (EIS) has been accepted by an agency but for which construction has not commenced within five years of acceptance of the statement, the developer of the construction project to exercise due diligence and hold community discussion and feedback sessions to share relevant and new information surrounding the project.

Your Committees received testimony in support of this measure from the Hawaiian Civic Club of Honolulu. Your Committees received testimony in opposition to this measure from the Building Industry Association of Hawaii and Chamber of Commerce Hawaii. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that many large scale projects that require an EIS take years longer than initially anticipated and go beyond the time period of potential impacts examined in the EIS. Although state law lacks an explicit time frame of validity for an environmental impact statement, section 11-200-26, Hawaii



Administrative Rules, requires a supplemental EIS when a project with an approved EIS has changed substantively in size, scope, intensity, use, location, or timing. Your Committees find that while a supplemental EIS may ensure consideration of an action that is essentially different from the action proposed under the original EIS, the drafting, submission, and approval of a supplemental EIS adds costs to projects that are often already expensive. Therefore, your Committees agree that establishment of an explicit time frame of validity for an EIS, in combination with mandatory community involvement during periods of construction delay, will ensure that an EIS does not go stale, without need for triggering a costly supplemental EIS in every situation.

Your Committees have amended this measure by:

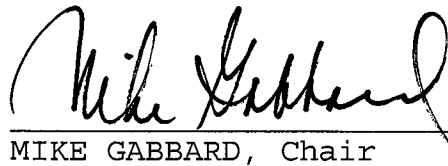
- (1) Extending the time period that triggers the requirement that a developer of a construction project exercise due diligence and hold community discussion and feedback sessions to share relevant and new information surrounding the project from five years to ten years;
- (2) Inserting an effective date of July 1, 2025, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2645, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2645, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Water and Land,



KARL RHOADS, Chair




MIKE GABBARD, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2645	AEN / WTL, CPH	2/7/18		
<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				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.	X			
RHOADS, Karl	X			
RUDERMAN, Russell E.				X
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 2645	Committee Referral: AEN/WTL, CPH	Date: FEB. 7, 2018		
<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				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)	/			
INOUYE, Lorraine R.				/
RIVIERE, Gil	/			
THIELEN, Laura H.		/		
TOTAL	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Hanna Thul</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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