

STAND. COM. REP. NO. 1068-20

Honolulu, Hawaii
MAR 13 , 2020

RE: S.B. No. 3099
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water, Land, & Hawaiian Affairs, to which was referred S.B. No. 3099, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CLIMATE CHANGE,"

beg leave to report as follows:

The purpose of this measure is to require implementation of the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report (Report) by:

- (1) Requiring state and county departments and agencies to incorporate the Report's recommendations into its objectives, policies, planning, financing strategy, and other processes;
- (2) Requiring relevant state and county departments and agencies to report on the progress of implementing the Report's recommendations to the Legislature;
- (3) Appropriating funds for certain state departments and agencies to implement the Report's recommendations;



- (4) Appropriating funds to each of the four major counties to implement the Report's recommendations and conduct a regional market assessment for certain urban areas; and
- (5) Appropriating funds to the Department of Health to conduct a sea level mitigation review and submit interim and final reports to the Legislature.

Your Committees received testimony in support of this measure from the Climate Protectors Coalition, IMUAlliance, and three individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources, Office of Planning, Office of Hawaiian Affairs, City and County of Honolulu Board of Water Supply, Hawaii Association of REALTORS, and Common Cause Hawaii.

Your Committees find that this measure will establish a coordinated, government-wide approach to addressing, planning for, and adapting to sea level rise and that certain agencies have already taken steps to address the impact of sea level rise.

Your Committees have amended this measure by:

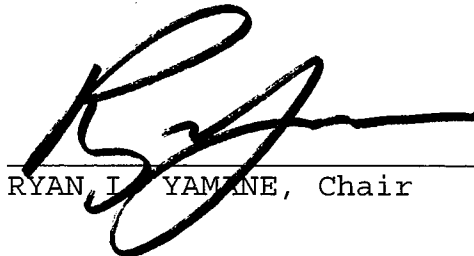
- (1) Removing the appropriation for state agencies to implement the measure;
- (2) Removing the appropriation to each county to implement the measure and the counties' reporting requirements;
- (3) Removing the exemption of the Office of Planning's Standing Committee on Sea Level Rise and Managed Retreat from the Sunshine Law;
- (4) Removing the definition of "sea level rise exposure area" as designated by the Hawaii Climate Change and Mitigation and Adaptation Commission (Commission) for purposes of the Willing Seller Program;
- (5) Removing the authorization for the Land Use Commission to develop a policy to address the managed retreat of urban areas on to lands zoned for agricultural and conservation use under certain conditions;



- (6) Removing the requirement for the Office of Environmental Quality Control to implement the provisions of the Report;
- (7) Deleting the amendment to require the Historic Preservation Program to inventory and develop processes and protocols to preserve traditional and customary native Hawaiian cultural resources and practices that may be impacted by sea level rise;
- (8) Removing the acquisition of lands that buffer or otherwise may preserve adjacent beaches and other coastal areas as an approved use of monies from the Land Conservation Fund;
- (9) Removing mandatory seller disclosure requirements in real estate transactions within a sea level exposure area designated by the Commission; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water, Land, & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3099, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3099, S.D. 2, H.D. 1, and be referred to your Committees on Consumer Protection & Commerce and Judiciary.

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



RYAN, J. YAMANE, Chair



NICOLE E. LOWEN, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

H.S.R. 1068-20

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 3099 SD 2	Committee Referral: EEP/WLH, JUD, FIN	Date: 3.11.20
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. WILDBERGER, Tina (VC)	✓			
3. HAR, Sharon E.	✓			
4. TARNAS, David A.	✓			
5. TODD, Chris	✓			
6. YAMANE, Ryan I.	✓			
7. THIELEN, Cynthia		✓		
TOTAL (7)	6	1	0	0

The recommendation is: Adopted Not Adopted
If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: Tina Wildberger

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO

Record of Votes of the Committee on Water, Land, & Hawaiian Affairs

Bill/Resolution No.: SB 3099 SD2	Committee Referral: EEP/WLH, JUD, FIN	Date: 03/11/20		
<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)				
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	✓			
2. TODD, Chris (VC)	✓			
3. HAR, Sharon E.	✓			
4. LOWEN, Nicole E.	✓			
5. TARNAS, David A.	✓			
6. WILDBERGER, Tina	✓			
7. WARD, Gene				✓
TOTAL (7)				
	6	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 150px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ <i>Chris Todd</i> _____				
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