

STAND. COM. REP. NO.

879

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 424  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,  
to which was referred H.B. No. 424 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT  
STATEMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to extend the  
temporary exemption from the State's environmental impact  
statement law afforded to certain actions involving infrastructure  
within existing public rights-of-way.

Your Committee received testimony in support of this measure  
from Hawaiian Electric Company, Inc.; NAIOP Hawaii, Commercial  
Real Estate Development Association; The Chamber of Commerce of  
Hawaii; Hawai'i Association of REALTORS; and Land Use Research  
Foundation of Hawaii. Comments were received from the Office of  
Environmental Quality Control and one individual.

This measure extends the sunset date of Act 87, Session Laws  
of Hawaii 2009, from July 1, 2011, to July 1, 2013. Act 87  
exempts a primary from chapter 343, Hawaii Revised Statutes, the  
environmental impact statements law, action that requires a permit  
or approval that is not subject to a discretionary consent and  
that involves a secondary action that is ancillary and limited to  
the installation, improvement, renovation, construction, or  
development of infrastructure within an existing public right-of-  
way or highway.



Your Committee finds that Act 87 has raised concerns and questions about the application of chapter 343, Hawaii Revised Statutes, as it pertains to primary and secondary actions. This measure allows more time to resolve these issues.

Your Committee has amended this measure by requiring the Office of Environmental Quality Control to report findings and recommendations, including proposed legislation, to the Legislature no later than twenty days before the convening of the Regular Session of 2012, regarding issues related to the application of chapter 343, Hawaii Revised Statutes, and the effectiveness of Act 87, Session Laws of Hawaii 2009.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 424, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 424, S.D. 1, and be referred to the Committee on Energy and Environment.

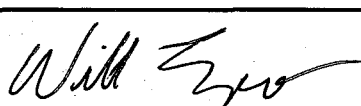
Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,

  
J. KALANI ENGLISH, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation and International Affairs**  
**TIA**

Bill / Resolution No.:* <b>HB 424</b>	Committee Referral: <b>TIA, ENE</b>	Date: <b>3/21/11</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				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
ESPERO, Will (VC)	✓			
DELA CRUZ, Donovan M.	✓			
GABBARD, Mike	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				
<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