

STAND. COM. REP. NO.

767

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 723
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 Judiciary and Labor, to which was referred
S.B. No. 723 entitled:

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

begs leave to report as follows:

The purpose of this measure is to extend the sunset date of
Act 87, Session Laws of Hawaii 2009, from July 1, 2011, to July 1,
2015, thereby extending the exemption from the environmental
impact statements law under chapter 343, Hawaii Revised Statutes,
for certain primary actions that require permits or approvals not
subject to discretionary consent and involving ancillary secondary
actions limited to certain infrastructure work in public rights-
of-way or highways.

Your Committee received testimony in support of this measure
from The Chamber of Commerce of Hawaii, Land Use Research
Foundation of Hawaii, Hawai'i Association of REALTORS, Hawaii Farm
Bureau Federation, and Hawaii Electric Company, Inc. Your
Committee received testimony in opposition to this measure from
one private individual.

According to testimony received by your Committee, prior to
the passage of Act 87, Session Laws of Hawaii 2009, the Office of
Environmental Quality Control had been reviewing hundreds of minor
work projects touching public roadways or public rights-of-ways to
determine whether environmental assessments were necessary. The
extension of Act 87 is necessary to continue to clarify that

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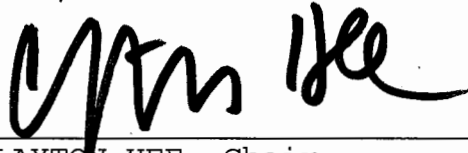
chapter 343, Hawaii Revised Statutes, should not be applied to certain actions, including minor work touching public roadways. Your Committee finds that this exemption will reduce the preparation of unnecessary environmental assessments, saving valuable time and money, without compromising adequate protection for Hawaii's environment.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 723, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 723, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 723	Committee Referral: ENE, JDL	Date: 3/3/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes