
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

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

1 SECTION 1. The purpose of this Act is to amend the
2 environmental impact statement law to exempt secondary actions
3 that are limited to infrastructure improvements ancillary to the
4 primary action from the need to comply with the environmental
5 impact assessment requirements of chapter 343, Hawaii Revised
6 Statutes.

7 SECTION 2. Section 343-5.5, Hawaii Revised Statutes, is
8 amended as follows:

9 "[~~§~~]**343-5.5**[~~]~~ **Exception to applicability of chapter.**

10 (a) Notwithstanding any other law to the contrary, for any
11 primary action that requires a permit or approval [~~that is not~~
12 ~~subject to a discretionary consent and~~] that involves a
13 secondary action that is ancillary and limited to the
14 installation, improvement, renovation, construction, or
15 development of infrastructure within an existing public right-
16 of-way or highway, that secondary action shall be exempt from
17 this chapter[~~; provided that the applicant for the primary~~



1 ~~action shall submit documentation from the appropriate agency~~
2 ~~confirming that no further discretionary approvals are~~
3 ~~required].~~

4 (b) As used in this section:

5 [~~"Discretionary consent" means:~~

6 ~~(1) An action as defined in section 343-2; or~~

7 ~~(2) An approval from a decision-making authority in an~~
8 ~~agency, which approval is subject to a public~~
9 ~~hearing.]~~

10 "Infrastructure" includes waterlines and water facilities,
11 wastewater lines and wastewater facilities, gas lines and gas
12 facilities, drainage facilities, electrical, communications,
13 telephone, and cable television utilities, and highway, roadway,
14 and driveway improvements.

15 "Primary action" means an action outside of the highway or
16 public right-of-way that is on private property.

17 "Secondary action" means an action involving infrastructure
18 within the highway or public right-of-way."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken.

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



Report Title:

Environmental Impact Statements; Discretionary Consent

Description:

Amends the environmental impact statement law to delete reference to discretionary permits in allowing infrastructure improvements within a highway or public right-of-way to be exempt from environmental impact assessment requirements. Effective 7/1/2050. (HD1)

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