
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. (a) The legislature finds that protecting the
2 environment is critical for Hawaii not only as a state but also
3 as part of the global community. Hawaii is the only island
4 state -- located in the middle of the Pacific Ocean -- which
5 affords the State unique advantages as well as poses tremendous
6 challenges. Hawaii is blessed with pristine natural resources
7 both on land and in its waters for all residents and visitors to
8 enjoy and protect. The State is also home to a wide and
9 extremely diverse range of unique native flora and fauna found
10 nowhere else in the world. Many of these species are designated
11 endangered or threatened and must be vigorously protected. The
12 islands' natural beauty and resources need to be safeguarded now
13 and for the future and all those who live, work, and visit here
14 must share responsibility as caretakers of the environment.
15 Furthermore, the beauty of Hawaii's natural resources is
16 integral to the State's attraction to visitors. Needless to
17 say, degradation of Hawaii's environment would cause



1 catastrophic harm to tourism, the State's leading and most
2 stable industry.

3 (b) Currently, the department of health and the department
4 of land and natural resources are separately responsible for the
5 bulk of the various activities and programs intended to protect
6 Hawaii's environment. For example, the department of health
7 enforces the following laws dealing with the environment:

- 8 (1) Environmental response law (chapter 128D, Hawaii
9 Revised Statutes);
- 10 (2) Litter control (chapter 339, Hawaii Revised Statutes);
- 11 (3) Wastewater treatment personnel (chapter 340B, Hawaii
12 Revised Statutes);
- 13 (4) Safe drinking water (chapter 340E, Hawaii Revised
14 Statutes);
- 15 (5) Mandatory certification of public water system
16 operators (chapter 340F, Hawaii Revised Statutes);
- 17 (6) Environmental quality control (chapter 341, Hawaii
18 Revised Statutes);
- 19 (7) Air pollution control (chapter 342B, Hawaii Revised
20 Statutes);
- 21 (8) Water pollution (chapter 342D, Hawaii Revised
22 Statutes);



- 1 (9) Noise pollution (chapter 342F, Hawaii Revised
- 2 Statutes);
- 3 (10) Integrated solid waste management (chapter 342G,
- 4 Hawaii Revised Statutes);
- 5 (11) Solid waste pollution (chapter 342H, Hawaii Revised
- 6 Statutes);
- 7 (12) Special wastes recycling (chapter 342I, Hawaii Revised
- 8 Statutes);
- 9 (13) Hazardous waste (chapter 342J, Hawaii Revised
- 10 Statutes);
- 11 (14) Underground storage tanks (chapter 342L, Hawaii
- 12 Revised Statutes);
- 13 (15) Asbestos and lead (chapter 342P, Hawaii Revised
- 14 Statutes);
- 15 (16) Environmental impact statements (chapter 343, Hawaii
- 16 Revised Statutes); and
- 17 (17) State environmental policy (chapter 344, Hawaii
- 18 Revised Statutes).
- 19 (c) On the other hand, the department of land and natural
- 20 resources enforces the following laws regulating:
- 21 (1) Mineral and water rights (section 171-58, Hawaii
- 22 Revised Statutes);



- 1 (2) The taking of sand, dead coral or coral rubble, rocks,
2 soil, or other marine deposits seaward from the
3 shoreline (section 171-58.5, Hawaii Revised Statutes);
- 4 (3) Restoration of beach lands (part VIII, chapter 171,
5 Hawaii Revised Statutes);
- 6 (4) Acquisition of resource value lands (chapter 173A,
7 Hawaii Revised Statutes);
- 8 (5) State water code (chapter 174C, Hawaii Revised
9 Statutes);
- 10 (6) Flood control and flood water conservation (chapter
11 179, Hawaii Revised Statutes);
- 12 (7) Dams and reservoirs (chapter 179D, Hawaii Revised
13 Statutes);
- 14 (8) Soil and water conservation districts (chapter 180,
15 Hawaii Revised Statutes);
- 16 (9) Soil erosion and sediment control (chapter 180C,
17 Hawaii Revised Statutes);
- 18 (10) Strip mining (chapter 181, Hawaii Revised Statutes);
- 19 (11) Government mineral rights (chapter 182, Hawaii Revised
20 Statutes);
- 21 (12) Forest reserves, water development, zoning (chapter
22 183, Hawaii Revised Statutes);



- 1 (13) Conservation district (chapter 183C, Hawaii Revised
- 2 Statutes);
- 3 (14) Wildlife (chapter 183D, Hawaii Revised Statutes);
- 4 (15) State parks and recreation areas (chapter 184, Hawaii
- 5 Revised Statutes);
- 6 (16) Land fire protection (chapter 185, Hawaii Revised
- 7 Statutes);
- 8 (17) Tree farms (chapter 186, Hawaii Revised Statutes);
- 9 (18) Aquatic resources (chapter 187A, Hawaii Revised
- 10 Statutes);
- 11 (19) Fishing rights and regulations (chapter 188, Hawaii
- 12 Revised Statutes);
- 13 (20) West Hawaii regional fishery management area (chapter
- 14 188F, Hawaii Revised Statutes);
- 15 (21) Commercial fishing (chapter 189, Hawaii Revised
- 16 Statutes);
- 17 (22) Marine life conservation program (chapter 190, Hawaii
- 18 Revised Statutes);
- 19 (23) Ocean and submerged lands leasing (chapter 190D,
- 20 Hawaii Revised Statutes);
- 21 (24) Conservation: employment programs (chapter 193,
- 22 Hawaii Revised Statutes);



- 1 (25) Invasive species council (chapter 194, Hawaii Revised
- 2 Statutes);
- 3 (26) Natural area reserves system (chapter 195, Hawaii
- 4 Revised Statutes);
- 5 (27) Conservation of aquatic life, wildlife, and land
- 6 plants (chapter 195D, Hawaii Revised Statutes);
- 7 (28) Forest stewardship (chapter 195F, Hawaii Revised
- 8 Statutes);
- 9 (29) Energy resources (chapter 196, Hawaii Revised
- 10 Statutes);
- 11 (30) Geothermal and cable system development (chapter 196D,
- 12 Hawaii Revised Statutes);
- 13 (31) General provisions relating to aquatic resources and
- 14 wildlife (chapter 197, Hawaii Revised Statutes);
- 15 (32) Conservation easements (chapter 198, Hawaii Revised
- 16 Statutes);
- 17 (33) Hawaii statewide trail and access system (chapter
- 18 198D, Hawaii Revised Statutes);
- 19 (34) Conservation and resources enforcement program
- 20 (chapter 199, Hawaii Revised Statutes);
- 21 (35) Civil natural resource violations (chapter 199D,
- 22 Hawaii Revised Statutes);



1 (36) Ocean recreation and coastal areas programs (chapter
2 200, Hawaii Revised Statutes);

3 (37) Kaneohe bay regional council (chapter 200D, Hawaii
4 Revised Statutes); and

5 (38) Aquaculture farms (chapter 220, Hawaii Revised
6 Statutes).

7 (d) In addition, within the department of business,
8 economic development, and tourism, the office of planning, under
9 chapter 225M, Hawaii Revised Statutes, has jurisdiction over
10 coastal zone management (chapter 205A, Hawaii Revised Statutes)
11 and the department of business, economic development, and
12 tourism administers the aquaculture loan program (chapter 219,
13 Hawaii Revised Statutes). Furthermore, the natural energy
14 laboratory of Hawaii authority, under chapter 227D, Hawaii
15 Revised Statutes, facilitates research, development, and
16 commercialization of natural energy resources and ocean-related
17 research, technology, and industry in Hawaii.

18 (e) The various and complex tasks that now comprise the
19 State's conservation and environmental protection programs can
20 be streamlined and much more efficiently and effectively
21 administered and enforced under a single department's
22 jurisdiction and control. The synergy of combining all such



1 existing programs within one new department of conservation and
2 environmental protection can also spark innovative solutions
3 that would, prior to consolidation, have been administratively
4 or bureaucratically impractical.

5 (f) The purpose of this Act is to require the governor to
6 analyze, review, and report to the legislature on the steps
7 necessary to create a new department of conservation and
8 environmental protection to encompass tasks and activities
9 relating to conservation and environmental protection primarily
10 performed by the departments of health and land and natural
11 resources.

12 SECTION 2. **Department of conservation and environmental**
13 **protection; creation; review and evaluation; report.** (a) The
14 governor shall perform the following actions in preparation for
15 the creation of a new department of conservation and
16 environmental protection:

17 (1) Review and evaluate for adequacy, appropriateness,
18 effectiveness, and efficiency all:

19 (A) Tasks and activities of state programs that are
20 currently administered or carried out by the
21 department of health, the department of land and
22 natural resources, the department of business,



1 economic development, and tourism, and any other
2 department, agency, or office of state government
3 relating to conservation and environmental
4 protection in the State, including those listed
5 in section 1 of this Act; and

6 (B) State positions and personnel currently
7 administering or carrying out the tasks and
8 activities described in subparagraph (A);

9 (2) Determine which programs and personnel under paragraph
10 (1), either:

11 (A) In their entirety and existing configuration; or

12 (B) In a new configuration;

13 would need to be transferred to a single new
14 department of conservation and environmental
15 protection in order to provide adequate, appropriate,
16 effective, and efficient conservation and
17 environmental protection services; and

18 (3) Analyze and evaluate the effects of transferring the
19 programs and personnel under the determined
20 configuration in paragraph (2) into a single new
21 department of conservation and environmental
22 protection in terms of:



- 1 (A) Short-term costs relating to movement, location
- 2 or relocation of offices, equipment, and
- 3 personnel;
- 4 (B) Short-term costs of potential disruption of
- 5 operations and services due to the consolidation;
- 6 (C) Increased or decreased long-term costs of
- 7 operating the new department; and
- 8 (D) Increased or decreased long-term adequacy,
- 9 appropriateness, effectiveness, and efficiency
- 10 due to the consolidation.

11 (b) The governor shall report to the legislature no later
 12 than twenty days prior to the convening of the regular session
 13 of 2009, all findings and recommendations relating to the review
 14 and evaluation under subsection (a), including a comprehensive
 15 action plan containing specific and detailed steps and
 16 associated estimated costs necessary to create a new department
 17 of conservation and environmental protection according to a
 18 projected timetable.

19 SECTION 3. This Act shall take effect upon its approval.
 20

INTRODUCED BY: Kirk Caldwell
He Lt.
Wannina Novita

Report Title:

Department of Conservation and Environmental Protection

Description:

Requires governor to review, evaluate, and report on steps necessary to create a new department of conservation and environmental protection to encompass environmental and conservation programs now performed by the DLNR, DOH, and other state agencies.

