
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. Chapter 341, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+] CHAPTER 341 [.]~~

4 ENVIRONMENTAL QUALITY CONTROL

5 ~~[+] §341-1 [.]~~ Findings and purpose. The legislature finds
6 that the quality of the environment is as important to the
7 welfare of the people of Hawaii as is the economy of the State.
8 The legislature further finds that the determination of an
9 optimum balance between economic development and environmental
10 quality deserves the most thoughtful consideration, and that the
11 maintenance of the optimum quality of the environment deserves
12 the most intensive care.

13 The purpose of this chapter is to stimulate, expand, and
14 coordinate efforts to determine and maintain the optimum quality
15 of the environment of the State.

16 §341-2 Definitions. As used in this chapter, unless the
17 context otherwise requires:



1 "Center" means the University of Hawaii environmental
2 center established in section [†]304A-1551[†].

3 "Council" means the environmental council established in
4 section 341-3(c).

5 "Director" means the director of the office of
6 environmental quality control.

7 "Office" means the office of environmental quality control
8 established in section 341-3(a).

9 "University" means the University of Hawaii.

10 §341-3 Office of environmental quality control;
11 environmental center; environmental council. (a) There is
12 created an office of environmental quality control that shall be
13 headed by a single executive to be known as the director of the
14 office of environmental quality control who shall be appointed
15 by the governor as provided in section 26-34. This office shall
16 implement this chapter and shall be placed within the department
17 of health for administrative purposes. The office shall perform
18 [~~its~~] the duties prescribed to it under chapter 343 [~~and shall~~
19 ~~serve the governor in an advisory capacity on all matters~~
20 ~~relating to environmental quality control~~].

21 (b) The environmental center within the University of
22 Hawaii shall be as established under section [†]304A-1551[†].



1 (c) There is created an environmental council not to
2 exceed [~~fifteen~~] nine members. [~~Except for the director,~~
3 ~~members~~] The council shall include at least one member from each
4 county and no more than five at-large members. The director
5 shall not serve as a member of the council. Members of the
6 environmental council shall be appointed by the governor as
7 provided in section 26-34[-]; provided that three members shall
8 be appointed from a list of persons nominated by the speaker of
9 the house of representatives and three members shall be
10 appointed from a list of persons nominated by the senate
11 president. The council shall be attached to the [~~department of~~
12 health] office for administrative purposes. [~~Except for the~~
13 director, the] The term of each member shall be four years;
14 provided that, of the members initially appointed, [~~five~~] three
15 members shall serve for four years, [~~five~~] three members shall
16 serve for three years, and the remaining [~~four~~] three members
17 shall serve for two years. Vacancies shall be filled for the
18 remainder of any unexpired term in the same manner as original
19 appointments. [~~The director shall be an ex officio voting~~
20 member of the council.] The council chairperson shall be elected
21 by the council from among the [~~appointed~~] members of the
22 council.



1 Members shall be appointed to [assure] ensure a broad and
2 balanced representation of educational, business, and
3 environmentally pertinent disciplines and professions [~~such as~~
4 ~~the natural and social sciences, the humanities, architecture,~~
5 ~~engineering, environmental consulting, public health, and~~
6 ~~planning, educational and research institutions with~~
7 ~~environmental competence, agriculture, real estate, visitor~~
8 ~~industry, construction, media, and voluntary community and~~
9 ~~environmental groups~~]. The members of the council shall serve
10 without compensation but shall be reimbursed for expenses,
11 including travel expenses, incurred in the discharge of their
12 duties.

13 §341-4 Powers and duties of the director. (a) The
14 director shall have [such] powers delegated by the governor as
15 [are] necessary to coordinate and, when requested by the
16 governor, to direct, pursuant to chapter 91, all state
17 governmental agencies in matters concerning environmental
18 quality.

19 (b) To further the objective of subsection (a), the
20 director shall:

21 (1) [~~Direct~~] Through the council, direct the attention of
22 [~~the university community~~] state agencies and the



1 residents of the State [~~in general~~] to [~~ecological~~
2 and] environmental problems [~~through~~], in cooperation
3 with the center [~~and the council, respectively, and~~
4 ~~through public education programs~~];

5 (2) Conduct research or arrange for [~~the conduct of~~]
6 research through contractual relations with the
7 center, state agencies, or other persons with
8 competence in [~~the field of ecology and~~] environmental
9 quality;

10 (3) [~~Encourage~~] Through the council, encourage public
11 acceptance of proposed legislative and administrative
12 actions concerning [~~ecology and~~] environmental
13 quality, and receive notice of any private or public
14 complaints concerning [~~ecology and~~] environmental
15 quality [~~through the council~~];

16 (4) Recommend to the council programs for long-range
17 implementation of environmental quality control;

18 (5) Submit [~~direct~~] to the council for its review and
19 recommendation to the governor [~~and to the legislature~~
20 ~~such~~] legislative bills and administrative policies,
21 objectives, and actions, as are necessary to preserve
22 and enhance the environmental quality of the State;



- 1 (6) Conduct regular outreach and training for state and
2 county agencies on the environmental review process
3 and conduct other public educational programs; [and]
- 4 (7) Offer advice and assistance to private industry,
5 governmental agencies, non-governmental organizations,
6 state residents, or other persons upon request [-];
- 7 (8) Obtain advice from the council on any matters
8 concerning environmental quality;
- 9 (9) Perform budgeting and hiring in a manner that ensures
10 adequate funding and staff support for the council to
11 carry out its duties under this chapter and chapter
12 343; and
- 13 (10) With the cooperation of the council, private industry,
14 governmental agencies, non-governmental organizations,
15 state residents, and other persons interested in
16 fulfilling the requirements of this subsection,
17 conduct annual statewide workshops and publish an
18 annual state environmental review guidebook or
19 supplement to assist persons in complying with this
20 chapter, chapter 343, and rules adopted thereunder;
21 provided that workshops, guidebooks, and supplements
22 shall include:

- 1 (A) Assistance in the preparation, processing, and
2 review of environmental review documents;
- 3 (B) Review of relevant court decisions affecting this
4 chapter, chapter 343, and rules adopted
5 thereunder;
- 6 (C) Review of amendments to this chapter, chapter
7 343, other relevant laws, and rules adopted
8 thereunder; and
- 9 (D) Any other information that may facilitate the
10 efficient implementation of this chapter, chapter
11 343, and rules adopted thereunder.

12 (c) ~~[The director shall adopt rules pursuant to chapter 91~~
13 ~~necessary for the purposes of implementing this chapter.]~~ To
14 facilitate governmental agency and public participation in the
15 review process, the office shall create and maintain an
16 electronic communication system, such as a website, to ensure
17 best practices of environmental review, as determined by the
18 director.

19 §341-A Annual report. No later than January 31 of each
20 year, at the direction of the council, the director shall submit
21 a report to the governor and the legislature that analyzes the
22 effectiveness of the State's environmental review system during



1 the prior year. The report shall include an assessment of a
2 sample of environmental assessments and environmental impact
3 statements for completed projects.

4 At the request of the director or the council, state and
5 county agencies shall provide information to assist in the
6 preparation of the annual report.

7 §341-6 [~~Functions~~] Duties of the environmental council.

8 (a) The council shall [serve]:

9 (1) Serve the governor in an advisory capacity on all
10 matters relating to environmental quality;

11 (2) Serve as a liaison between the [~~director~~] governor and
12 the general public by soliciting information,
13 opinions, complaints, recommendations, and advice
14 concerning [~~ecology and~~] environmental quality through
15 public hearings or any other means and by publicizing
16 [such] these matters as requested by the [~~director~~
17 pursuant to section 341-4(b)(3).] governor; and

18 (3) Meet at the call of the council chairperson or by a
19 quorum of council members.

20 [~~The council may make recommendations concerning ecology~~
21 ~~and environmental quality to the director and shall meet at the~~



1 ~~call of the council chairperson or the director upon notifying~~
2 ~~the council chairperson.]~~

3 **(b)** The council shall monitor the progress of state,
4 county, and federal agencies in achieving the State's
5 environmental goals and policies ~~[and]~~. No later than
6 January 31 of each year, the council, with the assistance of the
7 director, shall make an annual report with recommendations for
8 improvement to the governor, the legislature, and the public ~~[no~~
9 ~~later than January 31 of each year. All]~~. At the request of
10 the council, state and county agencies shall ~~[cooperate with the~~
11 ~~council and]~~ provide information to assist in the preparation of
12 ~~[such a]~~ the report [by responding to requests for information
13 ~~made by the council].~~ The council may combine its annual report
14 with the annual report prepared by the director pursuant to
15 section 341-A.

16 **(c)** The council may delegate to any person ~~[such]~~ the
17 power or authority vested in the council as it deems reasonable
18 and proper for the effective administration of this section and
19 chapter 343, except the power to make, amend, or repeal rules.

20 **(d)** The council shall adopt rules, pursuant to chapter 91,
21 necessary for the purposes of implementing this chapter and
22 chapter 343.



1 §341-B Environmental review special fund; use of funds.

2 (a) There is established in the state treasury the
3 environmental review special fund, into which shall be
4 deposited:

5 (1) All filing fees and other administrative fees
6 collected by the office;

7 (2) All accrued interest from the special fund; and

8 (3) Moneys appropriated to the special fund by the
9 legislature.

10 (b) Moneys in the environmental review special fund shall
11 be supplemental to, and shall not supplant, the office budget
12 base and be used to:

13 (1) Fund the activities of the office and the council in
14 fulfillment of their duties pursuant to this chapter
15 and chapter 343, including administrative and office
16 expenses; and

17 (2) Support outreach, training, education, and research
18 programs pursuant to section 341-4.

19 §341-C Fees. With the concurrence of the council, the
20 director shall adopt rules, pursuant to chapter 91, that
21 establish reasonable fees for filing, publication, and other



1 administrative services of the office or council pursuant to
2 this chapter and chapter 343."

3 SECTION 2. Notwithstanding the original terms of
4 appointment of the members of the environmental council, the
5 terms of all members of the environmental council serving as of
6 the effective date of this Act shall be extended through June
7 30, 2012. The members shall continue in their appointment until
8 the nine members of the environmental council are appointed or
9 re-appointed, in accordance with section 341-3, Hawaii Revised
10 Statutes, as amended by this Act.

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before the effective dates, and does not affect the rights
14 and duties related to any environmental assessment or
15 environmental impact statement for which a draft has been
16 prepared and public notice thereof published by the office of
17 environmental quality control before the effective date of this
18 Act.

19 SECTION 4. In codifying the new sections added by
20 section 1 of this Act, the revisor of statutes shall substitute
21 appropriate section numbers for the letters used in designating
22 the new sections in this Act.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2010.



Report Title:

Environmental Protection

Description:

Reduces the membership of the environmental council from 15 to 9 and establishes the environmental review special fund.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

