
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 by adding a new section to be appropriately designated
3 and to read as follows:

4 "§341- Annual report. No later than January 31 of each
5 year, the director shall submit a report to the governor and the
6 legislature that analyzes the effectiveness of the State's
7 environmental review system during the prior year.

8 At the request of the director or the council, state and
9 county agencies shall provide information to assist in the
10 preparation of the annual report."

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

13 " [±] CHAPTER 341 [±]

14 ENVIRONMENTAL QUALITY CONTROL

15 [±]§341-1 [±] Findings and purpose. The legislature finds
16 that the quality of the environment is as important to the
17 welfare of the people of Hawaii as is the economy of the State.

18 The legislature further finds that the determination of an



1 optimum balance between economic development and environmental
2 quality deserves the most thoughtful consideration, and that the
3 maintenance of the optimum quality of the environment deserves
4 the most intensive care.

5 The legislature finds that the office of environmental
6 quality control, established pursuant to this chapter, is
7 intended to provide a centralized, statewide environmental
8 review service, through which the State's environmental review
9 system can be effectively managed and administered, and through
10 which agencies, applicants, and the public can coordinate and
11 contribute to an effective environmental review process.

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

15 **§341-2 Definitions.** As used in this chapter, unless the
16 context otherwise requires:

17 "Center" means the University of Hawaii environmental
18 center established in section [+]304A-1551[+].

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

21 "Director" means the director of the office of
22 environmental quality control.



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

3 "University" means the University of Hawaii.

4 **§341-3 Office of environmental quality control;**
5 **environmental center; environmental council.** (a) There is
6 created an office of environmental quality control that shall be
7 headed by a single executive to be known as the director of the
8 office of environmental quality control who shall be appointed
9 by the governor as provided in section 26-34. The director
10 shall be responsible for directing the office in implementing
11 this chapter and chapter 343. This office and the council shall
12 implement this chapter and shall be placed within the department
13 of health for administrative purposes. [~~The office shall~~
14 ~~perform its duties under chapter 343 and shall serve the~~
15 ~~governor in an advisory capacity on all matters relating to~~
16 ~~environmental quality control.~~]

17 (b) The environmental center within the University of
18 Hawaii shall be as established under section [~~+~~]304A-1551[~~+~~].

19 (c) There is created an environmental council [~~not to~~
20 ~~exceed fifteen~~], which shall consist of the director and
21 fourteen members. [~~Except for the director, members~~] Members of
22 the environmental council shall be appointed by the governor as



1 provided in section 26-34. The council shall be attached to the
2 department of health for administrative purposes. [~~Except for~~
3 ~~the director, the~~] The term of each member shall be four years;
4 provided that, of the members initially appointed, five members
5 shall serve for four years, five members shall serve for three
6 years, and the remaining four members shall serve for two years.
7 Vacancies shall be filled for the remainder of any unexpired
8 term in the same manner as original appointments. The director
9 shall be an ex officio voting member of the council [-]; provided
10 that the director may vote only in the event of a tie vote among
11 the other members. The council chairperson shall be elected by
12 the council from among the appointed members of the council [-];
13 provided that the director may serve as the chairperson. The
14 term of the council chairperson shall be one year.

15 Members shall be appointed to [~~assure~~] ensure a broad and
16 balanced representation of educational, business, and
17 [~~environmentally pertinent~~] environmental disciplines and
18 professions, such as the natural and social sciences, the
19 humanities, architecture, engineering, environmental consulting,
20 public health, and planning; educational and research
21 institutions with environmental competence; agriculture, real
22 estate, visitor industry, construction, media, and voluntary



1 community and environmental groups. The members of the council
2 shall serve without compensation but shall be reimbursed for
3 expenses, including travel expenses, incurred in the discharge
4 of their duties.

5 **§341-4 Powers and duties of the director[-] and the**
6 **office.** (a) The director shall have such powers delegated by
7 the governor as are necessary to coordinate and, when requested
8 by the governor, to direct, pursuant to chapter 91, all state
9 governmental agencies in matters concerning environmental
10 quality. The director shall also be responsible for
11 administration and leadership of the office, including
12 performing budgeting and hiring staff in a manner that ensures
13 adequate funding and staff support for the office and the
14 council to carry out duties under this chapter and chapter 343.
15 The director may appoint personnel exempt from chapters 76 and
16 89.

17 (b) To further the [~~objective of subsection (a),~~]
18 objectives of this chapter and chapter 343, the [director]
19 office shall:

20 (1) [~~Direct~~] In cooperation with the council, direct the
21 attention of [the university community] state agencies
22 and the residents of the State [in general] to



1 ~~[ecological and]~~ environmental problems ~~[through the~~
2 ~~center and, respectively, and through public education~~
3 ~~programs]~~;

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

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

15 (4) Recommend programs for long-range implementation of
16 environmental quality control;

17 (5) ~~[Submit direct]~~ In consultation with the council,
18 submit to the governor ~~[and to the legislature such]~~
19 legislative bills and administrative policies,
20 objectives, and actions~~[,]~~ as are necessary to
21 preserve and enhance the environmental quality of the
22 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 [~~7~~and]
4 that provide information concerning the environmental
5 review system and related services provided under this
6 chapter and chapter 343;
- 7 (7) Offer advice and assistance to private industry,
8 governmental agencies, non-governmental organizations,
9 state residents, or other persons upon request [~~7~~];
- 10 (8) Obtain advice from the council on any matters
11 concerning environmental quality;
- 12 (9) With the cooperation of the council, private industry,
13 governmental agencies, non-governmental organizations,
14 state residents, and other interested persons in
15 fulfilling the requirements of this subsection,
16 conduct annual statewide workshops and publish an
17 annual state environmental review guidebook or
18 supplement to assist persons in complying with this
19 chapter, chapter 343, and rules adopted thereunder;
20 provided that workshops, guidebooks, and supplements
21 shall include:



- 1 (A) Assistance for the preparation, processing, and
- 2 review of environmental review documents;
- 3 (B) A review of relevant court decisions affecting
- 4 this chapter, chapter 343, and rules adopted
- 5 thereunder;
- 6 (C) A 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 (10) Provide advisory opinions to agencies, applicants, and
- 13 the public concerning the environmental review system
- 14 and related services provided under this chapter and
- 15 chapter 343;
- 16 (11) Maintain an effective state environmental review
- 17 process by:
- 18 (A) Reviewing, and updating as necessary, in
- 19 consultation with the council, administrative
- 20 rules adopted pursuant to this chapter and
- 21 chapter 343 no less than every three years; and



1 (B) Developing guidance for agencies, applicants, and
2 the public that encourages innovative best
3 practices to ensure greater certainty in the
4 statewide environmental review system;

5 (12) Facilitate agency, applicant, and public participation
6 in the state environmental review process by creating
7 and maintaining an effective information technology
8 system, including a website and searchable digital
9 archives, that meets best practices and allows for
10 efficient, comprehensive tracking of environmental
11 review documents relating to actions and projects for
12 which environmental documents are completed or pending
13 and any related or subsequent permits, approvals,
14 updates, and mitigation information.

15 (c) The ~~[director]~~ office, in consultation with the
16 council, shall adopt rules, pursuant to chapter 91, necessary
17 for the purposes of implementing this chapter[-] and chapter
18 343.

19 §341-6 ~~[Functions]~~ Duties of the environmental council.

20 (a) The council shall ~~[serve]~~ :

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



- 1 (2) Consult with the office on proposed changes to
- 2 statutes, rules, and guidance;
- 3 (3) Serve as a liaison between the [director] governor and
- 4 the general public by soliciting information,
- 5 opinions, complaints, recommendations, and advice
- 6 concerning [~~ecology and~~] environmental quality through
- 7 public hearings or any other means and by publicizing
- 8 [~~such~~] these matters as requested by the [director
- 9 pursuant to section 341-4(b)(3).] governor; and
- 10 (4) Meet at the call of the council chairperson, director,
- 11 or a quorum of council members.

12 [~~The council may make recommendations concerning ecology~~

13 ~~and environmental quality to the director and shall meet at the~~

14 ~~call of the council chairperson or the director upon notifying~~

15 ~~the council chairperson.]~~

16 (b) The council shall monitor the progress of state,

17 county, and federal agencies in achieving the State's

18 environmental goals and policies [~~and~~]. No later than

19 January 31 of each year, the council, with the assistance of the

20 director, as necessary, shall make an annual report with

21 recommendations for improvement to the governor, the

22 legislature, and the public [~~no later than January 31 of each~~



1 year. ~~All~~]. At the request of the council, state and county
2 agencies shall ~~cooperate with the council and~~ provide
3 information to assist in the preparation of ~~such a~~ the report
4 ~~[by responding to requests for information made by the council].~~
5 The council may combine its annual report with the annual report
6 prepared by the director pursuant to section 341- .

7 (c) The council may delegate to any person ~~such~~ the
8 power or authority vested in the council as it deems reasonable
9 and proper for the effective administration of this section and
10 chapter 343 [~~, except the power to make, amend, or repeal~~
11 ~~rules~~]."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2011.

15



Report Title:

Environmental Protection; Office of Environmental Quality
Control

Description:

Clarifies the duties of the OEQC, director, and environmental council. Grants the director's authority to vote only in the event of a tie. (SD1)

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

