
A BILL FOR AN ACT

RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL.

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

1 SECTION 1. The legislature finds that the office of
2 environmental quality control is greatly understaffed, and, as a
3 result, struggles to fulfill its duty to ensure environmental
4 protection in Hawaii.

5 The purpose of this Act is to assist the office of
6 environmental quality control by:

- 7 (1) Authorizing it to establish fees to help fund its
8 activities;
- 9 (2) Enabling it to hire adequate staff;
- 10 (3) Providing support for its outreach, training,
11 education, and research programs; and
- 12 (4) Enabling it to modernize and maintain technology
13 systems.

14 SECTION 2. Chapter 341, Hawaii Revised Statutes, is
15 amended by adding three new sections to be appropriately
16 designated and to read as follows:

17 "**§341-A Environmental review special fund; use of funds.**

18 (a) There is established in the state treasury the



1 environmental review special fund, into which shall be
2 deposited:

3 (1) All filing fees and other administrative fees
4 collected by the office;

5 (2) Moneys collected pursuant to section 341-B;

6 (3) All accrued interest from the special fund; and

7 (4) Moneys appropriated to the special fund by the
8 legislature.

9 The environmental review special fund shall be administered by
10 the office.

11 (b) Moneys in the environmental review special fund shall
12 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, staffing,
16 and office expenses and servicing of agency documents
17 relating to the environmental review process; provided
18 that the director may appoint personnel exempt from
19 chapters 76 and 89;

20 (2) Support outreach, training, education, and research
21 programs pursuant to section 341-4; and



1 (3) Modernize technology, maintain technology systems, and
2 develop technology training programs.

3 §341-B Fees. (a) No later than June 30, 2014, the
4 office, in consultation with the council, shall adopt rules
5 pursuant to chapter 91 to establish filing fees and any other
6 fees necessary for the administration and management of the
7 office and the council.

8 (b) The office shall collect filing fees from all
9 applicants, including state and county agencies, that are
10 required to file environmental review documents pursuant to
11 chapter 343.

12 (c) The office shall waive the filing fees required by
13 this section for an applicant who demonstrates that:

14 (1) The cost of the proposed action does not exceed
15 \$500,000;

16 (2) The applicant's annual revenue does not exceed
17 \$1,000,000; and

18 (3) The applicant has fewer than ten employees.

19 §341-C Reporting. No later than twenty days prior to the
20 convening of the regular session of each year, beginning with
21 the regular session of 2013, the office shall submit a report to



1 the legislature containing the following information for the
2 previous calendar year:

3 (1) The number and type of environmental review documents
4 filed with the office, including the amount of the
5 fees received for each document;

6 (2) For each environmental document filed with the office,
7 whether the applicant is a county or state agency or a
8 private entity; and

9 (3) The total amount of fees collected pursuant to section
10 341-B and section 3 of Act _____, Session Laws of
11 Hawaii 2012."

12 SECTION 3. The office of environmental quality control
13 shall impose and collect interim filing fees from all
14 applicants, including state and county agencies, that are
15 required to file environmental review documents pursuant to
16 chapter 343, Hawaii Revised Statutes, and that have not been
17 granted a waiver pursuant to section 341-B(c), Hawaii Revised
18 Statutes. Until superseded by fees established pursuant to
19 section 341-B, Hawaii Revised Statutes, the interim filing fees
20 shall be as follows:

- 21 (1) \$ _____ for a draft environmental assessment;
22 (2) \$ _____ for a final environmental assessment;



- 1 (3) \$ for an environmental impact statement
2 preparation notice;
- 3 (4) \$ for a draft environmental impact statement;
- 4 (5) \$ for a final environmental impact statement;
- 5 (6) \$ for other significant addenda to a final
6 environmental assessment;
- 7 (7) \$ for a final environmental assessment
8 preparation notice or supplemental environmental
9 impact statement preparation notice;
- 10 (8) \$ for a supplemental draft environmental impact
11 statement; and
- 12 (9) \$ for any supplemental final environmental impact
13 statement.

14 The interim filing fees shall be deposited into the
15 environmental review special fund established under section 341-
16 A, Hawaii Revised Statutes, and used for the purposes enumerated
17 in section 341-A(b), Hawaii Revised Statutes.

18 SECTION 4. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall:

- 20 (1) Substitute appropriate section numbers for the letters
21 used in designating the new sections in this Act; and
- 22 (2) Insert the corresponding act number of this Act.



1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect on July 1, 2012;
3 provided that the interim filing fees established by section 3
4 of this Act shall take effect on August 1, 2012; provided
5 further that any environmental review documents filed with the
6 office of environmental quality control pursuant to chapter 343,
7 Hawaii Revised Statutes, before December 31, 2012, shall be
8 exempt from the payment of any filing fees under section 341-B,
9 Hawaii Revised Statutes, or interim filing fees under section 3
10 of this Act.

11

INTRODUCED BY:

Denny Coffey

JAN 18 2012



H.B. NO. 2040

Report Title:

Office of Environmental Quality Control; Fees; Special Fund

Description:

Creates the environmental review special fund to fund the operations of the Office of Environmental Quality Control and the Environmental Council. Establishes filing fees for environmental review documents filed after December 31, 2012. Effective July 1, 2012.

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

