

SB 1143

RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL.

Establishes filing fees to help fund operations of the Office of Environmental Quality Control; creates a special fund and authorizes expenditures out of the special fund; and provides for a lag time for collection of fees.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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ENVIRONMENTAL COUNCIL
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OEQC DIRECTOR (EX-OFFICIO)

January 31, 2013

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
And Members
Senate Committee on Energy and Environment
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Senate Bill 1143 Relating to the Office of Environmental Quality Control
Testimony in Strong Support

Aloha Chair Gabbard, Vice Chair Ruderman and Members of the Committee:

On behalf of the members of the Environmental Council, I am pleased to submit this written testimony in in strong support of Senate Bill 1143. The funds collected in the environmental review special fund will allow the Office of Environmental Quality Control (OEQC) to fund activities in the office and of the council.

As I am sure most of you are aware, OEQC is both underfunded and understaffed and has been for many years. This infusion of funds will help to support technology systems and provide outreach and training to other agencies resulting in a better understanding of our state's environmental review system and ultimately in a better environment for Hawaii's residents and visitors.

Although I cannot speak to the fees specifically called for in the proposed bill, we believe that providing for the council to set the fee structure in conjunction with the office makes a lot of sense. Although not all of the agencies will be in favor of paying for OEQC's supportive function, we believe that they will come to appreciate the results.

Please pass this bill!

Thank you.

Mary Steiner, Chair
Hawaii Environmental Council



SB1143
RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL
Senate Committee on Energy and Environment

January 31, 2013

2:45 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment (BAE) **SUPPORTS** SB1143, which would provide additional revenue generating opportunities for the Office of Environmental Quality Control (OEQC).

The OEQC plays an essential role for ensuring appropriate planning and review of projects impacting our environmental and cultural resources. For example, OHA notes in particular that the state's duty to protect and enforce the rights of Native Hawaiians, as well as the state's policy of promoting Native Hawaiian cultural perpetuation, rely in part upon review and input by practitioners and Native Hawaiian community members in a number of OEQC-administered planning and disclosure documents, such as cultural impact statements and environmental impact statements. Particularly for those individuals and communities on neighbor islands, where access to state offices located on Honolulu is limited, technological exploration, community outreach, and other OEQC initiatives may greatly facilitate this review and input process. OHA understands that this measure will provide additional resources for the OEQC to explore such initiatives, to more fully carry out its responsibilities in facilitating public access and review of these documents.

OHA also recognizes that this measure will only affect those projects involving over \$500,000, businesses making over \$1,000,000 a year and businesses with greater than ten employees, thereby minimizing any impacts to small businesses or nonprofit organizations, including those involved in cultural perpetuation efforts.

Therefore, OHA's BAE Committee urges this Committee to **PASS** SB1143. Thank you for the opportunity to testify.



**Testimony to the Senate Committee on Energy and Environment
Thursday, January 31, 2013
2:45 pm
State Capitol - Conference Room 225**

**RE: SENATE BILL NO. 1143 RELATING TO THE OFFICE OF ENVIRONMENTAL
QUALITY CONTROL (OEQC)**

Chair Gabbard and Vice Chair Ruderman, and members of the committee:

The Chamber of Commerce of Hawaii **opposes S.B. No. 1143 as proposed**. The bill proposes to allow the OEQC to maintain its data-base system being requested in the OEQC's budget for the 2013-2014 fiscal year. Various fees shall be imposed on applicants who submit various documents required pursuant to Chapter 343, HRS.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This is an Administration bill that appears to focus on developing a data-base system for OEQC. However, the bill itself seems to go beyond simply raising funds to pay for a data-base system as the bill allows the funds raised through these proposed fees for the following:

1. Fund the activities of the office and the council in fulfillment of their duties pursuant to this chapter and chapter 343, including servicing of agency documents relating to the environmental review process, administrative support including staffing, and office expenses;
2. Support technology, maintain technology systems, and develop technology training programs; and
3. Support outreach, training, education, and research programs pursuant to section 341-4.

While there would probably be support to automate and improve access to information collected by OEQC thru the Chapter 343 HRS process, the bill does not limit the funding nor propose a budget for the data-base system being proposed. The bill also expands the use of these fees for staffing and other programs within OEQC.

As proposed, the bill essentially allows OEQC to balance its budget on the entities filing environmental documents required under Chapter 343 HRS. Recognizing that the Chapter 343

HRS process is a “public disclosure process,” it would appear unreasonable for applicants to essentially pay for the entire cost of compliance with the Chapter 343 HRS process since other entities benefit from the information being managed and disclosed by OEQC.

Thank you for this opportunity to express our views.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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Testimony to the Senate Committee on Energy and Environment
Thursday, January 31, 2013
2:45 pm
State Capitol - Conference Room 225

RE: SENATE BILL 1143, RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL (OEQC)

Dear Chair Gabbard, Vice Chair Ruderman, and members of the committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, affiliated with the National Association of Home Builders.

BIA-Hawaii **opposes** S.B. 1143 as proposed. The bill proposes to allow the Office of Environmental Quality Control (OEQC) to maintain its data-base system being requested in the OEQC's budget for the 2013-2014 fiscal year. Various fees shall be imposed on applicants who submit various documents required pursuant to Chapter 343, HRS.

This is an Administration bill that appears to focus on developing a data-base system for OEQC. However, the bill itself seems to go beyond simply raising funds to pay for a data-base system as the bill allows the funds raised through these proposed fees for the following:

1. Fund the activities of the office and the council in fulfillment of their duties pursuant to this chapter and chapter 343, including servicing of agency documents relating to the environmental review process, administrative support including staffing, and office expenses;
2. Support technology, maintain technology systems, and develop technology training programs; and
3. Support outreach, training, education, and research programs pursuant to section 341-4.

While there would probably be support to automate and improve access to information collected by OEQC thru the Chapter 343 HRS process, the fees are **arbitrary** since the bill does not limit the funding nor propose a budget for the data-base system being proposed. The bill also expands the use of these fees for staffing and other programs within OEQC.

As proposed, the bill essentially allows OEQC to balance its budget on the entities filing environmental documents required under Chapter 343 HRS. Recognizing that

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Honorable Mike Gabbard, Chair
Senate Committee on Environment and Energy
January 31, 2013
BIA-Hawaii testimony on S.B. 1143

the Chapter 343 HRS process is a "public disclosure process," it would appear unreasonable for applicants to essentially pay for the entire cost of compliance with the Chapter 343 HRS process since other entities benefit from the information being managed and disclosed by OEQC.

Thank you for this opportunity to express our **opposition** to S.B. 1143, as proposed.



Sierra Club Hawai'i Chapter

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SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

January 31, 2013, 2:45 P.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF SB 1143

Chair Gabbard and members of the Committee:

The Sierra Club, Hawaii Chapter, with 10,000 dues paying members and supporters statewide, *supports* SB 1143. This measure implements the recommendation to establish a special fund to support the Office of Environmental Quality Control from the Environmental Review Working Group.

Three years ago, this Committee assembled the Environmental Review Working Group, which brought together a wide range of stakeholders to evaluate and recommend approaches to improve Hawai'i's environmental review process. Despite the diversity of viewpoints -- representing business, agencies, and environmental nonprofits -- there was unanimous agreement that the Office of Environmental Quality Control needed basic reforms and funding to adequately function. Ensuring the agency has access to appropriate resources benefits everyone, whether they be developer or conservationist.

The proposal presented before you is the work of several weeks of discussions and compromise. We believe it important to keep this recommendation largely intact, particularly the agreement that this fund would supplement OEQC's budget and not replace it.

We respectfully ask this Committee to move this bill forward. Mahalo for the opportunity to testify.