
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 needs to upgrade and improve its
3 technology infrastructure and fully staff its functions in order
4 to fulfill its duty to ensure environmental protection in
5 Hawaii.

6 The purpose of this Act is to:

- 7 (1) Establish the environmental review special fund;
8 (2) Establish fees to enhance the activities of the office
9 of environmental quality control;
10 (3) Authorize the office to expend moneys out of the
11 environmental review special fund;
12 (4) Support and maintain technology systems for the
13 office;
14 (5) Support outreach, training, education, and research
15 regarding environmental stewardship; and
16 (6) Provide for the hiring of adequate staff for the
17 office.



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

4 **"§341-A Environmental review special fund; use of funds.**

5 (a) There is established in the state treasury the
6 environmental review special fund, into which shall be
7 deposited:

8 (1) All filing fees and other administrative fees
9 collected by the office;

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

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

12 (4) Moneys appropriated to the special fund by the
13 legislature.

14 (b) Moneys in the environmental review special fund shall
15 be used to:

16 (1) Fund the activities of the office and the council in
17 fulfillment of their duties pursuant to this chapter
18 and chapter 343, including servicing of agency
19 documents relating to the environmental review
20 process, administrative support including staffing,
21 and office expenses;



1 (2) Support technology, maintain technology systems, and
2 develop technology training programs; and

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

5 **§341-B Fees.** (a) No later than June 30, 2016, the
6 office, in consultation with the council, shall adopt rules
7 pursuant to chapter 91 to establish fees necessary for the
8 administration and management of the office and the council.

9 (b) The office shall collect fees from all applicants,
10 including state and county agencies that are required to file
11 environmental review documents with the office pursuant to
12 chapter 343; provided that the office shall not collect fees
13 from the Hawaii community development authority.

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

16 (1) The cost of the proposed action does not exceed
17 \$500,000;

18 (2) The applicant's annual revenue does not exceed
19 \$1,000,000; and

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

21 (d) The office shall not collect more than \$250,000 in
22 filing fees in any fiscal year.



1 §341-C Reporting. No later than twenty days prior to the
2 convening of the regular session of each year, beginning with
3 the regular session of 2014, the office shall submit a report to
4 the legislature containing the following information for the
5 previous calendar year:

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

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

12 (3) The total amount of fees collected pursuant to section
13 341-B and section 4 of Act _____, Session Laws of
14 Hawaii 2013."

15 SECTION 3. Section 341-3, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) There is created an office of environmental quality
18 control that shall be headed by a single executive to be known
19 as the director of environmental quality control who shall be
20 appointed by the governor as provided in section 26-34. This
21 office shall implement this chapter and shall be placed within
22 the department of health for administrative purposes. The



1 office shall perform its duties under chapter 343 and shall
2 serve the governor in an advisory capacity on all matters
3 relating to environmental quality control. The director may
4 appoint personnel exempt from chapters 76 and 89."

5 SECTION 4. The office of environmental quality control
6 shall collect interim filing fees from all applicants, including
7 state and county agencies that are required to file
8 environmental review documents pursuant to chapter 343, Hawaii
9 Revised Statutes; provided that the office shall not collect
10 fees from the Hawaii community development authority. Until
11 superseded by fees established pursuant to section 341-B, Hawaii
12 Revised Statutes, in section 2 of this Act, or June 30, 2016,
13 whichever is sooner, the interim filing fees shall be as
14 follows:

- 15 (1) \$500 for a draft environmental assessment;
- 16 (2) \$300 for a final environmental assessment;
- 17 (3) \$200 for other significant addenda to a draft
18 environmental assessment;
- 19 (4) \$200 for an environmental impact statement preparation
20 notice;
- 21 (5) \$200 for a supplemental environmental impact statement
22 preparation notice;



- 1 (6) \$500 for a draft environmental impact statement;
- 2 (7) \$300 for a final environmental impact statement;
- 3 (8) \$500 for a revised draft environmental impact
- 4 statement;
- 5 (9) \$300 for a revised final environmental impact
- 6 statement;
- 7 (10) \$500 for a supplemental draft environmental impact
- 8 statement; and
- 9 (11) \$300 for a supplemental final environmental impact
- 10 statement.

11 SECTION 5. There is appropriated out of the environmental
 12 review special fund the sum of \$ or as much thereof as
 13 may be necessary for fiscal year 2013-2014 to carry out the
 14 purposes of this Act, including the hiring of necessary staff.

15 The sum appropriated shall be expended by the department of
 16 health for the purposes of this Act.

17 SECTION 6. In codifying the new sections added to chapter
 18 341, Hawaii Revised Statutes, by section 2 of this Act, the
 19 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 7. New statutory material is underscored.

2 SECTION 8. This Act shall take effect on July 1, 2050;
3 provided that:

4 (1) The filing fees, including interim filing fees,
5 established under this Act shall not take effect until
6 thirty days after the date of enactment of this Act;
7 and

8 (2) Any applicant who has filed an environmental study
9 with the office of environmental quality control prior
10 to the enactment of this Act shall be exempt from the
11 payment of any filing fees, under section 341-B,
12 Hawaii Revised Statutes, and any interim filing fees,
13 established and assessed by sections 2 and 4 of this
14 Act, respectively, for one hundred eighty days from
15 the date of the enactment of this Act.



Report Title:

Office of Environmental Quality Control; Fees; Special Fund

Description:

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. Effective July 1, 2050.
(SB1143 HD1)

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