

ACT 290

S.B. NO. 2998

A Bill for an Act Relating to Environmental Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is an immediate need to ensure the protection of Hawaii's environment and natural resources for state residents as well as for future generations, as mandated by state and federal law. Under article XI, section 9, of the State Constitution, each person is guaranteed the right to a clean and healthful environment, as defined by laws regarding environmental quality, including pollution control, conservation, and protection and enhancement of natural resources. Article IX, section 8, of the State Constitution further gives the State the power to promote and maintain a healthful environment, including the prevention of any excessive demands on the environment and Hawaii's resources. State environmental policy, as outlined in chapter 344, Hawaii Revised Statutes, also seeks to encourage the conservation of natural resources and promote efforts to eliminate damage to the environment.

SECTION 2. The department of health, using existing resources, shall conduct a study to review state and federal environmental laws to ensure their continued force, effectiveness, and consistency. The department of health shall submit its findings and conclusions from the study, to the legislature no later than twenty days prior to the convening of the 1997 legislative session.

SECTION 3. The legislature also finds and determines that Hawaii's natural resources and physical environment must be managed and protected in a manner that

ensures the health, safety, and welfare of the citizens of the State, and preserves our limited natural resources for future generations. The legislature further finds and determines that efforts to undertake comprehensive strategic planning to identify overall goals and objectives of environmental management have been initiated by the department of health for its programs.

The legislature further finds that focusing the department of health's environmental goals and objectives will enable the department to utilize its resources in the most effective manner to address the environmental issues of this State.

The additional purpose of this Act is to direct the department of health to develop and revisit environmental goals utilizing input from the regulated community and the general public. It is the intent of the legislature to promote a continuing dialogue between the department of health, the regulated community, and the general public, regarding any proposed matters which are affected by the State's environmental goals. The legislature believes such discourse is necessary for the proper formulation of the department's objectives.

The legislature further finds that the obligations imposed on the department by this Act do not increase the department's existing duties and responsibilities and do not require the provision of additional resources for implementation. The changes require the department of health to focus its existing resources to facilitate and enhance the public's participation in environmental matters.

SECTION 4. The department of health, with input from the regulated community and general public, shall develop environmental goals and objectives, to be used in the implementation of its programs which shall ensure that the following natural resources are protected: air quality; land; coastal waters; inland waters; and groundwater. It shall also be the goal of the department to organize its environmental protection programs to improve the coordination of environmental planning and oversight; improve the enforcement of environmental laws, rules, and policies; and improve the ability to identify, prevent, and respond to significant releases of pollutants into the environment. The department of health shall ensure that the environmental goals and objectives will remain current by reviewing them every two years, with input from the regulated community and the general public. The department shall report its findings and conclusions following each such review, to the legislature no later than twenty days prior to the convening of the legislative session immediately following the completion of the review.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 20, 1996.)