

ACT 294

S.B. NO. 2145

A Bill for an Act Relating to the Environment.

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

SECTION 1. Environmental justice is generally understood to require the fair treatment and meaningful involvement of all people regardless of race, color,

national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. In 1994, President Clinton signed Executive Order 12,898 to focus federal attention on the environmental and human health conditions of minority and low-income populations, with the goal of achieving environmental protection for all communities. Executive Order 12,898 directed federal agencies to develop environmental justice strategies to help federal agencies address the disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. Executive Order 12,898 was intended to provide minority and low-income communities with access to public information and with meaningful public participation in matters relating to human health and the environment.

In 2005, the legislature adopted Senate Concurrent Resolution No. 140, H.D. 1, in recognition of the environmental justice concerns that may arise from effects on the natural and physical environment, such as human health or ecological effects on minority populations, low-income populations, and native Hawaiians, or from related social or economic effects. The environmental council drafted a plan to accomplish the tasks requested by the legislature.

The legislature finds that there is a need to conduct a comprehensive and scholarly review of the state environmental impact statement process to evaluate its continued efficacy, the effectiveness of the amendments made by Act 50, Session Laws of Hawaii 2000, and the possible need to revise chapter 343, Hawaii Revised Statutes. The review should include a determination of whether the environmental impact statement process includes appropriate consideration of the effects of a proposed action on the cultural practices of the State and community, as required by section 343-2, Hawaii Revised Statutes.

The legislature further finds that there is a need to develop an environmental justice guidance document to ensure that principles of environmental justice are systematically included in all phases of the environmental review process and that each agency fulfills its duty to identify and address at the earliest possible time any disproportionately adverse human health, environmental, or cultural effects on minority populations, native Hawaiians, and low-income populations that would be caused by a proposed action or the agency's policies, programs, and activities.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$82,325, or so much thereof as may be necessary for fiscal year 2006-2007, for the environmental council to contract with a consultant to facilitate and coordinate the State's environmental justice activities and for related administrative and operational costs. The environmental justice activities shall include:

- (1) Defining "environmental justice" in the unique context of this State through educational community outreach activities;
- (2) Developing and adopting a guidance document that addresses environmental justice in all phases of the environmental impact statement process;
- (3) Making recommendations to update the environmental impact statement process in chapter 343, Hawaii Revised Statutes; and
- (4) Conducting educational and community outreach activities.

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

SECTION 3. Notwithstanding chapter 103D, Hawaii Revised Statutes, the office of environmental quality control shall contract with the University of Hawaii environmental center to conduct a comprehensive review of the State's existing environmental impact statement process under chapter 343, Hawaii Revised Statutes. The comprehensive review shall include:

- (1) A review of all guidance documents for implementing chapter 343;
- (2) An evaluation of the amendments made in Act 50, Session Laws of Hawaii 2000, to determine if environmental impact statements give appropriate consideration to the effects of a proposed action on the cultural practices of the State and community; and
- (3) The conclusions, findings, and recommendations of the comprehensive review.

The University of Hawaii environmental center shall submit the comprehensive review to the legislature no later than twenty days prior to the convening of the regular session of 2008.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$108,675, or so much thereof as may be necessary for fiscal year 2006-2007, for the University of Hawaii environmental center to perform a comprehensive review of the State's current environmental impact statement process under chapter 343, Hawaii Revised Statutes, pursuant to section 3 of this Act.

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

SECTION 5. This Act shall take effect on July 1, 2006.

(Approved July 10, 2006.)