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LEGISLATIVE REFERENCE BUREAU
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State Capitol, Room 446
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Written Comments

HB2026 HD2 SD1
RELATING TO THE ENVIRONMENT

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Ways and Means

Thursday, April 5, 2018, 10:30 a.m.
Conference Room 211

Chair Dela Cruz and Members of the Committee:

Good morning Chair Dela Cruz and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.B. No. 2026, H.D. 2, S.D. 1, Relating to the Environment.

The purpose of this measure is to require the Legislative Reference Bureau to:

- (1) Update its 1985 study "The Feasibility of Environmental Reorganization for Hawaii" and assess the feasibility of implementing the findings and recommendations of the 1992 Department of Environmental Protection Task Force;
- (2) Appropriate \$150,000 to the Bureau for the study and authorize the Bureau to execute a contract for the services of another entity to perform any related services that may be required pursuant to this measure; and
- (3) Submit the updated study to the Legislature no later than twenty days prior to the convening of the 2020 Regular Session.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

While, as a general matter, the Bureau sees no obstacle to updating its 1985 study, "The Feasibility of Environmental Reorganization for Hawaii," the Bureau notes that the study contained many findings and recommendations that would need to be revisited and updated. In addition, there are a considerable number of new concepts that will need to be addressed. In the thirty-two years since the publication of the 1985 study, there have been numerous changes to Hawaii's policy goals, environmental laws, and administrative structures, not to mention changes to federal environmental protection laws, rules, and regulations. These all would need to be identified and evaluated to determine their relevance and role in the context of a reorganized environmental administrative structure. Considerable attention would also need to be paid to crafting recommendations for implementing any proposed organizational changes.

Furthermore, as the Committee is well aware, the environmental challenges faced by Hawaii have grown significantly since 1985. In addition to the ongoing concerns of the last century, Hawaii's current and future environmental policymakers and regulators must now consider strategies to:

- Mitigate the impacts of climate change and sea level rise;
- Continue the widespread adoption of clean energy resources to meet the State's clean energy goals;
- Address decaying wastewater infrastructure;
- Prevent the introduction and spread of invasive species; and
- Address the environmental strains of population growth in Hawaii.

A study of environmental regulatory reorganization would need to consider how the restructured administrative body would coordinate efforts to implement the diverse and wide-ranging policies related to these issues.

The Bureau would also point out that, given the breadth and diversity of issues to be examined, outside expertise will be able to present a more thorough and developed analysis. In the past, the Legislative Reference Bureau has contracted with the University of Hawaii to prepare such specialized studies. For example, in 2008, the Bureau contracted with the University to prepare a study recommending updates to the State's environmental impact statement laws (Section 10 of Act 1, Session Laws of Hawaii 2008). The product was a well-developed analysis that considered input from all stakeholders and which recommended multiple options for revising the State's environmental impact statement process. In that instance, two years were allowed for the preparation of the study and report. The Bureau provided considerable assistance to the study team with drafting the proposed amendments to statutory language. Furthermore, in 2008, Act 1 appropriated \$300,000 for that particular contracted study. Being that this review will likely be far more expansive than the study requested in 2008, it is unclear what the cost for this comprehensive study will be, especially when adjusted to 2018 dollars. Consequently, the Bureau is unsure regarding what amount would need to be appropriated in order to sufficiently cover the costs of contracting for the services to the study envisioned under this measure. However, the Bureau does believe that

the \$150,000 amount currently contained in the measure is far too insufficient to cover the costs of conducting such a comprehensive study.

In addition, we note that the House Draft 2 version of the measure provided an exemption from the State Procurement Code to any contract to be executed to conduct this study. Such an exemption would facilitate the entire study process and greatly assist the Bureau in meeting its submission deadline. To this end, we respectfully request that the exemption from Chapter 103D, Hawaii Revised Statutes, be reinserted into the measure.

In summary, if the Committee decides to recommend passage of this measure, the Bureau requests that a sufficient amount be appropriated to cover the costs of the study envisioned under this measure and that any contract executed by the Bureau to conduct this study be exempt from the requirements of Chapter 103D, Hawaii Revised Statutes.

If the measure is amended to address the concerns noted above, the Bureau believes that the services requested under this measure are manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau can find a contractor willing to undertake the study for the sum appropriated and within the timeframe specified.

Thank you again for your consideration.

HB-2026-SD-1

Submitted on: 4/2/2018 8:28:57 PM

Testimony for WAM on 4/5/2018 10:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sarah Toole | Individual | Support | No |

Comments:

My name is Sarah Toole, my address is 1128 Ala Napunani St. 96818, and I am a political science student at UH Manoa.

I support this bill.

HB-2026-SD-1

Submitted on: 4/4/2018 8:48:21 AM

Testimony for WAM on 4/5/2018 10:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|---|--------------------|--------------------|
| Melodie Aduja | Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i | Support | No |

Comments:

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S. C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HB2026 HD2 SD1** relating to Environmental Reorganization; LRB Study; and an Appropriation.

The OCC Legislative Priorities Committee is in favor of **HB2026 HD2 SD1** and supports its passage.

HB2026 HD2 SD1, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), as it requires LRB to update its 1985 study on environmental reorganization for Hawaii and assess the feasibility of implementing the findings and recommendations of the 1991 Department of Environmental Protection Task Force; and makes an appropriation.

Specifically, the DPH Platform states, "[t]he Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment is essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling and waste reduction.

The conservation, preservation and restoration of Hawaii's natural resources are connected to the health and welfare of our people; therefore, we support the conservation and protection of our natural environment, which includes reducing our carbon footprint for the benefit of current and future generations.

We support the protection of our 'aina against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands for water, we must assess the current condition of our aquifers and take appropriate actions to secure our fresh water resources.

We support democratic participation of citizens and residents to protect (i) valuable coastal ecosystems and reefs from misuse and (ii) beaches for public use and recreation. The Hawai'i Coastal Zone Management (CZM) law, HRS Chapter 205A, currently provides for public participation in management of coastal resources.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources.

We know that climate change is a real threat to our islands and the world. We strongly urge our candidates and elected officials to take immediate action to mitigate and adapt to the consequences of climate change. This includes funding adaptation measures including coastal retreat, effective participation of indigenous peoples in climate change governance, and recognition that indigenous, local, and traditional ecological knowledge is key in climate change adaptation solutions.. (Platform of DPH, P. 8, Lines 407-438 (2016)).

Given that **HB2026 HD2 SD1** requires LRB to update its 1985 study on environmental reorganization for Hawaii and assess the feasibility of implementing the findings and recommendations of the 1991 Department of Environmental Protection Task Force; and makes an appropriation, it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

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