



1 optimum balance between economic development and environmental  
2 quality deserves the most thoughtful consideration, and that the  
3 maintenance of the optimum quality of the environment deserves  
4 the most intensive care.

5 The legislature finds that the office of environmental  
6 quality control, established pursuant to this chapter, is  
7 intended to provide a centralized, statewide environmental  
8 review service, through which the State's environmental review  
9 system can be effectively managed and administered, and through  
10 which agencies, applicants, and the public can coordinate and  
11 contribute to an effective environmental review process.

12 The purpose of this chapter is to stimulate, expand, and  
13 coordinate efforts to determine and maintain the optimum quality  
14 of the environment of the State.

15 **§341-2 Definitions.** As used in this chapter, unless the  
16 context otherwise requires:

17 "Center" means the University of Hawaii environmental  
18 center established in section [†]304A-1551[†].

19 "Council" means the environmental council established in  
20 section 341-3(c).

21 "Director" means the director of the office of  
22 environmental quality control.



1 "Office" means the office of environmental quality control  
2 established in section 341-3(a).

3 "University" means the University of Hawaii.

4 **§341-3 Office of environmental quality control;**  
5 **environmental center; environmental council.** (a) There is  
6 created an office of environmental quality control that shall be  
7 headed by a single executive to be known as the director of the  
8 office of environmental quality control who shall be appointed  
9 by the governor as provided in section 26-34. The director  
10 shall be responsible for directing the office in implementing  
11 this chapter and chapter 343. This office and the council shall  
12 implement this chapter and shall be placed within the department  
13 of health for administrative purposes. [~~The office shall~~  
14 ~~perform its duties under chapter 343 and shall serve the~~  
15 ~~governor in an advisory capacity on all matters relating to~~  
16 ~~environmental quality control.~~]

17 (b) The environmental center within the University of  
18 Hawaii shall be as established under section [~~+~~]304A-1551[~~+~~].

19 (c) There is created an environmental council not to  
20 exceed [~~fifteen~~] nine members[~~-~~] and the director. [~~Except for~~  
21 ~~the director, members~~] The council shall include one member from  
22 each county and no more than five at-large members. Members of



1 the environmental council shall be appointed by the governor as  
2 provided in section 26-34[-]; provided that three members shall  
3 be appointed from a list of persons nominated by the speaker of  
4 the house of representatives and three members shall be  
5 appointed from a list of persons nominated by the president of  
6 the senate. The council shall be attached to the department of  
7 health for administrative purposes. [~~Except for the director,~~  
8 ~~the~~] The term of each member shall be four years; provided that,  
9 of the members initially appointed, [five] three members shall  
10 serve for four years, [five] three members shall serve for three  
11 years, and the remaining [four] three members shall serve for  
12 two years. Vacancies shall be filled for the remainder of any  
13 unexpired term in the same manner as original appointments. The  
14 director shall be an ex officio voting member of the council[-];  
15 provided that the director may vote only in the event of a tie  
16 vote among the other members. The council chairperson shall be  
17 elected by the council from among the appointed members of the  
18 council[-], provided that the director may serve as the  
19 chairperson. The term of the council chairperson shall be one  
20 year.

21 Members shall be appointed to [~~assure~~] ensure a broad and  
22 balanced representation of educational, business, and



1 [environmentally pertinent] environmental disciplines and  
2 professions, such as the natural and social sciences, the  
3 humanities, architecture, engineering, environmental consulting,  
4 public health, and planning; educational and research  
5 institutions with environmental competence; agriculture, real  
6 estate, visitor industry, construction, media, and voluntary  
7 community and environmental groups. The members of the council  
8 shall serve without compensation, but shall be reimbursed for  
9 expenses, including travel expenses, incurred in the discharge  
10 of their duties.

11 **§341-4 Powers and duties of the director[-] and the**  
12 **office.** (a) The director shall have such powers delegated by  
13 the governor as are necessary to coordinate and, when requested  
14 by the governor, to direct, pursuant to chapter 91, all state  
15 governmental agencies in matters concerning environmental  
16 quality. The director shall also be responsible for  
17 administration and leadership of the office, including but not  
18 limited to performing budgeting and hiring staff in a manner  
19 that ensures adequate funding and staff support for the office  
20 and the council to carry out duties under this chapter and  
21 chapter 343. The director may appoint personnel exempt from  
22 chapters 76 and 89.



1 (b) To further the [~~objective of subsection (a),~~]  
2 objectives of this chapter and chapter 343, the [director]  
3 office shall:

4 (1) [~~Direct~~] In cooperation with the council, direct the  
5 attention of [the university community] state agencies  
6 and the residents of the State [in general] to  
7 [ecological and] environmental problems [through the  
8 center and, respectively, and through public education  
9 programs];

10 (2) Conduct research or arrange for [~~the conduct of~~]  
11 research through contractual relations with the  
12 center, state agencies, or other persons with  
13 competence in [the field of ecology and] issues  
14 relating to environmental quality;

15 (3) [~~Encourage~~] In cooperation with the council, encourage  
16 public acceptance of proposed legislative and  
17 administrative actions concerning [ecology and]  
18 environmental quality, and receive notice of any  
19 private or public complaints concerning [ecology and]  
20 environmental quality [through the council];

21 (4) Recommend programs for long-range implementation of  
22 environmental quality control;



- 1           (5)   ~~[Submit direct]~~ In consultation with the council,  
2                   submit to the governor ~~[and to the legislature such]~~  
3                   legislative bills and administrative policies,  
4                   objectives, and actions~~[7]~~ as are necessary to  
5                   preserve and enhance the environmental quality of the  
6                   State;
- 7           (6)   Conduct regular outreach and training for state and  
8                   county agencies on the environmental review process  
9                   and conduct other public educational programs~~[; and]~~  
10                  that provide information concerning the environmental  
11                  review system and related services provided under this  
12                  chapter and chapter 343;
- 13          (7)   Offer advice and assistance to private industry,  
14                  governmental agencies, non-governmental organizations,  
15                  state residents, or other persons upon request~~[7]~~;
- 16          (8)   Obtain advice from the council on any matters  
17                  concerning environmental quality;
- 18          (9)   With the cooperation of the council, private industry,  
19                  governmental agencies, non-governmental organizations,  
20                  state residents, and other interested persons in  
21                  fulfilling the requirements of this subsection,  
22                  conduct annual statewide workshops and publish an



1 annual state environmental review guidebook or  
2 supplement to assist persons in complying with this  
3 chapter, chapter 343, and rules adopted thereunder;  
4 provided that workshops, guidebooks, and supplements  
5 shall include:

6 (A) Assistance for the preparation, processing, and  
7 review of environmental review documents;

8 (B) A review of relevant court decisions affecting  
9 this chapter, chapter 343, and rules adopted  
10 thereunder;

11 (C) A review of amendments to this chapter, chapter  
12 343, other relevant laws, and rules adopted  
13 thereunder; and

14 (D) Any other information that may facilitate the  
15 efficient implementation of this chapter, chapter  
16 343, and rules adopted thereunder;

17 (10) Provide advisory opinions to agencies, applicants, and  
18 the public concerning the environmental review system  
19 and related services provided under this chapter and  
20 chapter 343;

21 (11) Maintain an effective state environmental review  
22 process by:





1           (A) Reviewing, and updating as necessary, in  
2           consultation with the council, administrative  
3           rules adopted pursuant to this chapter and  
4           chapter 343 no less than every three years; and

5           (B) Developing guidance for agencies, applicants, and  
6           the public that encourages innovative best  
7           practices to ensure greater certainty in the  
8           statewide environmental review system;

9           (12) Facilitate agency, applicant, and public participation  
10           in the state environmental review process by creating  
11           and maintaining an effective information technology  
12           system, including a website and searchable digital  
13           archives, that meets best practices and allows for  
14           efficient, comprehensive tracking of environmental  
15           review documents relating to actions and projects for  
16           which environmental documents are completed or pending  
17           and any related or subsequent permits, approvals,  
18           updates, and mitigation information.

19           (c) The [~~director~~] office, in consultation with the  
20           council, shall adopt rules, pursuant to chapter 91, necessary  
21           for the purposes of implementing this chapter[-] and chapter  
22           343.



1           §341-6 ~~[Functions]~~ Duties of the environmental council.

2    (a) The council shall ~~[serve]~~:

3           (1) Serve the governor in an advisory capacity on all  
4           matters relating to environmental quality;

5           (2) Consult with the office on proposed changes to  
6           statutes, rules, and guidance;

7           (3) Serve as a liaison between the ~~[director]~~ governor and  
8           the general public by soliciting information,  
9           opinions, complaints, recommendations, and advice  
10          concerning ~~[ecology and]~~ environmental quality through  
11          public hearings or any other means and by publicizing  
12          ~~[such]~~ these matters as requested by the ~~[director]~~  
13          ~~pursuant to section 341-4(b)(3).~~ governor; and

14          (4) Meet at the call of the council chairperson, director,  
15          or a quorum of council members.

16          ~~[The council may make recommendations concerning ecology~~  
17          ~~and environmental quality to the director and shall meet at the~~  
18          ~~call of the council chairperson or the director upon notifying~~  
19          ~~the council chairperson.]~~

20          (b) The council shall monitor the progress of state,  
21          county, and federal agencies in achieving the State's  
22          environmental goals and policies ~~[and]~~. No later than



1 January 31 of each year, the council, with the assistance of the  
2 director, as necessary, shall make an annual report with  
3 recommendations for improvement to the governor, the  
4 legislature, and the public [~~no later than January 31 of each~~  
5 ~~year. All~~]. At the request of the council, state and county  
6 agencies shall [~~cooperate with the council and~~] provide  
7 information to assist in the preparation of [~~such a~~] the report  
8 [~~by responding to requests for information made by the council~~].  
9 The council may combine its annual report with the annual report  
10 prepared by the director pursuant to section 341- .

11 (c) The council may delegate to any person [~~such~~] the  
12 power or authority vested in the council as it deems reasonable  
13 and proper for the effective administration of this section and  
14 chapter 343[~~, except the power to make, amend, or repeal~~  
15 ~~rules~~]."

16 SECTION 3. Notwithstanding the original terms of  
17 appointment of the members of the environmental council, the  
18 terms of all members of the environmental council serving as of  
19 the effective date of this Act shall be extended through June  
20 30, 2013. The members shall continue in their appointment until  
21 the nine members of the environmental council, not including the



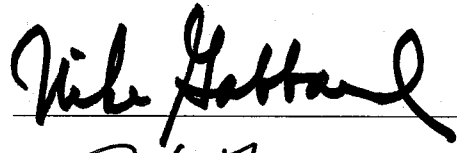

1 director, are appointed or re-appointed in accordance with  
2 section 341-3, Hawaii Revised Statutes, as amended by this Act.

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2011.

6

INTRODUCED BY:



**Report Title:**

Environmental Protection; Office of Environmental Quality Control

**Description:**

Reduces the appointed membership of the environmental council from 15 to 9. Clarifies the duties of the OEQC, director, and environmental council.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

