
A BILL FOR AN ACT

RELATING TO SUSTAINABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that achieving an
2 abundant and sustainable future for Hawaii will require
3 re-envisioning the State's institutional framework to better
4 integrate sustainability principles into the organizational
5 structure of state government, especially in planning, land use,
6 environmental, and economic development programs.

7 Improved collaboration of state agencies is necessary to
8 achieve the State's sustainability and climate goals and
9 statutory targets. The legislature further finds that improved
10 integration of land use planning and environmental policy
11 decision-making will enhance state government agencies' ability
12 to implement climate change adaptation measures to address sea
13 level rise and more frequent and intense storm events, increase
14 clean energy production, and reduce greenhouse gas emissions.

15 Therefore, the legislature also finds that it is in the
16 public interest to consolidate various government land use
17 functions of different agencies into a new structure under the



1 office of planning in an effort to place all key decision-making
2 and regulatory responsibility surrounding land use planning and
3 permitting under one structure.

4 The purpose of this Act is to transfer the purpose,
5 functions, and duties of the office of environmental quality
6 control and environmental council to the office of planning to
7 improve the coordination of these related planning functions so
8 state government can work more efficiently to achieve the
9 State's long-term environmental quality goals for a more
10 abundant future for the people of Hawaii.

11 SECTION 2. Chapter 341, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding a new section to be appropriately designated
14 and to read:

15 "§341- Environmental advisory council; established. (a)
16 There is created an environmental advisory council not to exceed
17 fifteen members. Members of the environmental advisory council
18 shall be appointed by the governor as provided in section 26-34.
19 The environmental advisory council shall be established within
20 the office of planning for administrative purposes. The term of
21 each member shall be four years; provided that of the members



1 initially appointed five members shall serve for four years,
2 five members shall serve for three years, and the remaining five
3 members shall serve for two years. Vacancies shall be filled
4 for the remainder of any unexpired term in the same manner as
5 original appointments. The environmental advisory council
6 chairperson shall be elected by the council from among the
7 appointed members of the council.

8 (b) Members shall be appointed to ensure a broad and
9 balanced representation of educational, business, and
10 environmentally pertinent disciplines and professions, such as
11 the natural and social sciences, the humanities, architecture,
12 engineering, environmental consulting, public health, and
13 planning; educational and research institutions with
14 environmental competence; agriculture, real estate, visitor
15 industry, construction, and media; and voluntary community and
16 environmental groups. The members of the environmental advisory
17 council shall serve without compensation but shall be reimbursed
18 for actual and necessary expenses, including travel expenses,
19 incurred in the discharge of their duties."

20 2. By amending its title to read:

21 "CHAPTER 341



1 ENVIRONMENTAL [~~QUALITY CONTROL~~] ADVISORY COUNCIL"

2 SECTION 3. Section 10-41, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

4 "(a) The training required by this part shall apply to
5 members of the land use commission, board of land and natural
6 resources, commission on water resource management,
7 environmental advisory council, board of directors of the
8 agribusiness development corporation, board of agriculture,
9 legacy land conservation commission, natural area reserves
10 system commission, and Hawaii historic places review board."

11 SECTION 4. Section 128E-2, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The commission shall consist of the following
14 members, who shall be appointed by the governor as provided in
15 section 26-34:

- 16 (1) The director of health;
- 17 (2) The chairperson of the board of agriculture;
- 18 (3) The adjutant general;
- 19 (4) The director of labor and industrial relations;
- 20 (5) The chairperson of the board of land and natural
21 resources;



- 1 (6) The director of the office of [~~environmental quality~~
2 ~~control,~~] planning;
- 3 (7) The director of business, economic development, and
4 tourism;
- 5 (8) The director of transportation;
- 6 (9) The dean of the University of Hawaii school of public
7 health or the dean of the University of Hawaii school
8 of medicine, as determined by the governor;
- 9 [~~(10)~~] ~~The director of the environmental center of the~~
10 ~~University of Hawaii,~~
- 11 ~~(11)~~] (10) One representative from each committee
12 designated by the mayor of each respective county; and
- 13 [~~(12)~~] (11) Other persons appointed by the governor to meet
14 the minimum requirements of the Emergency Planning and
15 Community Right-to-Know Act of 1986."

16 SECTION 5. Section 150A-10, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§150A-10 Advisory committee on plants and animals.** There
19 shall be an advisory committee on plants and animals composed of
20 the chairperson of the board or the chairperson's representative
21 who shall be chairperson of the committee, the chairperson of



1 the board of land and natural resources, the director of the
2 office of [~~environmental quality control,~~] planning or their
3 designee, the director of department of health or their
4 designees, and five other members, with expertise in plants,
5 animals, or microorganisms, and who, by virtue of their vocation
6 or avocation, also are thoroughly conversant with modern
7 ecological principles and the variety of problems involved in
8 the adequate protection of our natural resources. The latter
9 five members shall be chosen by the chairperson. The committee
10 shall advise and assist the department in developing or revising
11 laws and regulations to carry out and effectuate the purposes of
12 this chapter and in advising the department in problems relating
13 to the introduction, confinement, or release of plants, animals,
14 and microorganisms.

15 The chairperson may create ad hoc or permanent
16 subcommittees, as needed."

17 SECTION 6. Section 195D-21, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The department may enter into a planning process with
20 any landowner for the purpose of preparing and implementing a
21 habitat conservation plan. An agreement may include multiple



1 landowners. Applications to enter into a planning process shall
2 identify:

- 3 (1) The geographic area encompassed by the plan;
- 4 (2) The ecosystems, natural communities, or habitat types
5 within the plan area that are the focus of the plan;
- 6 (3) The endangered, threatened, proposed, and candidate
7 species known or reasonably expected to occur in the
8 ecosystems, natural communities, or habitat types in
9 the plan area;
- 10 (4) The measures or actions to be undertaken to protect,
11 maintain, restore, or enhance those ecosystems,
12 natural communities, or habitat types within the plan
13 area;
- 14 (5) A schedule for implementation of the proposed measures
15 and actions; and
- 16 (6) An adequate funding source to ensure that the proposed
17 measures and actions are undertaken in accordance with
18 the schedule.

19 After a habitat conservation plan is prepared, the board shall
20 notify the public of the proposed habitat conservation plan
21 through the periodic bulletin of the office of [environmental



1 ~~quality control]~~ planning and make the proposed plan and the
2 application available for public review and comment not less
3 than sixty days prior to approval. The notice shall include[7]
4 but not be limited to[7] identification of the area encompassed
5 by the plan, the proposed activity, and the ecosystems, natural
6 communities, and habitat types within the plan area. The notice
7 shall solicit public input and relevant data."

8 SECTION 7. Section 225M-2, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The office of planning shall gather, analyze, and
11 provide information to the governor to assist in the overall
12 analysis and formulation of state policies and strategies to
13 provide central direction and cohesion in the allocation of
14 resources and effectuation of state activities and programs and
15 effectively address current or emerging issues and
16 opportunities. More specifically, the office shall engage in
17 the following activities:

18 (1) State comprehensive planning and program coordination.
19 Formulating and articulating comprehensive statewide
20 goals, objectives, policies, and priorities, and
21 coordinating their implementation through the



1 statewide planning system established in part II of
2 chapter 226;

3 (2) Strategic planning. Identifying and analyzing
4 significant issues, problems, and opportunities
5 confronting the State, and formulating strategies and
6 alternative courses of action in response to
7 identified problems and opportunities by:

8 (A) Providing in-depth policy research, analysis, and
9 recommendations on existing or potential areas of
10 critical state concern;

11 (B) Examining and evaluating the effectiveness of
12 state programs in implementing state policies and
13 priorities;

14 (C) Monitoring through surveys, environmental
15 scanning, and other techniques--current social,
16 economic, and physical conditions and trends; and

17 (D) Developing, in collaboration with affected public
18 or private agencies and organizations,
19 implementation plans and schedules and, where
20 appropriate, assisting in the mobilization of
21 resources to meet identified needs;



- 1 (3) Planning coordination and cooperation. Facilitating
2 coordinated and cooperative planning and policy
3 development and implementation activities among state
4 agencies and between the state, county, and federal
5 governments, by:
- 6 (A) Reviewing, assessing, and coordinating, as
7 necessary, major plans, programs, projects, and
8 regulatory activities existing or proposed by
9 state and county agencies;
- 10 (B) Formulating mechanisms to simplify, streamline,
11 or coordinate interagency development and
12 regulatory processes; and
- 13 (C) Recognizing the presence of federal defense and
14 security forces and agencies in the State as
15 important state concerns;
- 16 (4) Statewide planning and geographic information system.
17 Collecting, integrating, analyzing, maintaining, and
18 disseminating various forms of data and information,
19 including geospatial data and information, to further
20 effective state planning, policy analysis and
21 development, and delivery of government services by:



- 1 (A) Collecting, assembling, organizing, evaluating,
2 and classifying existing geospatial and
3 non-geospatial data and performing necessary
4 basic research, conversions, and integration to
5 provide a common database for governmental
6 planning and geospatial analyses by state
7 agencies;
- 8 (B) Planning, coordinating, and maintaining a
9 comprehensive, shared statewide planning and
10 geographic information system and associated
11 geospatial database. The office shall be the
12 lead agency responsible for coordinating the
13 maintenance of the multi-agency, statewide
14 planning and geographic information system and
15 coordinating, collecting, integrating, and
16 disseminating geospatial data sets that are used
17 to support a variety of state agency applications
18 and other spatial data analyses to enhance
19 decision-making. The office shall promote and
20 encourage free and open data sharing among and
21 between all government agencies. To ensure the



1 maintenance of a comprehensive, accurate,
2 up-to-date geospatial data resource that can be
3 drawn upon for decision-making related to
4 essential public policy issues such as land use
5 planning, resource management, homeland security,
6 and the overall health, safety, and well-being of
7 Hawaii's citizens, and to avoid redundant data
8 development efforts, state agencies shall provide
9 to the shared system either their respective
10 geospatial databases or, at a minimum, especially
11 in cases of secure or confidential data sets that
12 cannot be shared or must be restricted, metadata
13 describing existing geospatial data. In cases
14 where agencies provide restricted data, the
15 office of planning shall ensure the security of
16 that data; and

17 (C) Maintaining a centralized depository of state and
18 national planning references;

19 (5) Land use planning. Developing and presenting the
20 position of the State in all boundary change petitions
21 and proceedings before the land use commission,



1 assisting state agencies in the development and
2 submittal of petitions for land use district boundary
3 amendments, and conducting periodic reviews of the
4 classification and districting of all lands in the
5 State, as specified in chapter 205;

6 (6) Coastal and ocean policy management, and sea level
7 rise adaptation coordination. Carrying out the lead
8 agency responsibilities for the Hawaii coastal zone
9 management program, as specified in chapter 205A.

10 Also:

11 (A) Developing and maintaining an ocean and coastal
12 resources information, planning, and management
13 system;

14 (B) Further developing and coordinating
15 implementation of the ocean resources management
16 plan; and

17 (C) Formulating ocean policies with respect to the
18 exclusive economic zone, coral reefs, and
19 national marine sanctuaries;

20 (7) Regional planning and studies. Conducting plans and
21 studies to determine:



- 1 (A) The capability of various regions within the
2 State to support projected increases in both
3 resident populations and visitors;
- 4 (B) The potential physical, social, economic, and
5 environmental impact on these regions resulting
6 from increases in both resident populations and
7 visitors;
- 8 (C) The maximum annual visitor carrying capacity for
9 the State by region, county, and island; and
- 10 (D) The appropriate guidance and management of
11 selected regions and areas of statewide critical
12 concern.
- 13 The studies in subparagraphs (A) to (C) shall be
14 conducted at appropriate intervals, but not less than
15 once every five years;
- 16 (8) Regional, national, and international planning.
17 Participating in and ensuring that state plans,
18 policies, and objectives are consistent, to the extent
19 practicable, with regional, national, and
20 international planning efforts;



- 1 (9) Climate adaptation and sustainability planning and
2 coordination. Conducting plans and studies and
3 preparing reports as follows:
- 4 (A) Develop, monitor, and evaluate strategic climate
5 adaptation plans and actionable policy
6 recommendations for the State and counties
7 addressing expected statewide climate change
8 impacts identified under chapter 225P and
9 sections 226-108 and 226-109; and
- 10 (B) Provide planning and policy guidance and
11 assistance to state and county agencies regarding
12 climate change and sustainability; ~~and~~
- 13 (10) Smart growth and transit-oriented development. Acting
14 as the lead agency to coordinate and advance smart
15 growth and transit-oriented development planning
16 within the State as follows:
- 17 (A) Identify transit-oriented development
18 opportunities shared between state and county
19 agencies, including relevant initiatives such as
20 the department of health's healthy Hawaii

- 1 initiative and the Hawaii clean energy
2 initiative;
- 3 (B) Refine the definition of "transit-oriented
4 development" in the context of Hawaii, while
5 recognizing the potential for smart growth
6 development patterns in all locations;
- 7 (C) Clarify state goals for transit-oriented
8 development and smart growth that support the
9 principles of the Hawaii State Planning Act by
10 preserving non-urbanized land, improving worker
11 access to jobs, and reducing fuel consumption;
- 12 (D) Target transit-oriented development areas for
13 significant increase in affordable housing and
14 rental units;
- 15 (E) Conduct outreach to state agencies to help
16 educate state employees about the ways they can
17 support and benefit from transit-oriented
18 development and the State's smart growth goals;
- 19 (F) Publicize coordinated state efforts that support
20 smart growth, walkable neighborhoods, and
21 transit-oriented development;



- 1 (G) Review state land use decision-making processes
2 to identify ways to make transit-oriented
3 development a higher priority and facilitate
4 better and more proactive leadership in creating
5 walkable communities and employment districts,
6 even if transit will only be provided at a later
7 date; and
- 8 (H) Approve all state agencies' development plans for
9 parcels along the rail transit corridor. For the
10 purposes of this subparagraph, "development
11 plans" means conceptual land use plans that
12 identify the location and planned uses within a
13 defined area[-]; and
- 14 (11) Environmental Review. Performing duties set forth
15 under chapter 343, serving the governor in an advisory
16 capacity on all matters relating to environmental
17 review, and having such powers delegated by the
18 governor as are necessary to coordinate and, when
19 requested by the governor, direct all state
20 governmental agencies in matters concerning
21 environmental quality control, including:



1 (A) Advising and assisting private industries,
2 government department and agencies, and other
3 persons on the requirements of chapter 343; and
4 (B) Conducting public education programs on
5 environmental quality control;
6 provided that the office shall adopt rules in
7 accordance with chapter 91 to implement this
8 paragraph."

9 SECTION 8. Section 225P-4, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) The membership of the greenhouse gas sequestration
12 task force shall be as follows:

- 13 (1) The director of the office of planning or the
14 director's designee, who shall serve as chairperson;
- 15 (2) The chairperson of the board of agriculture or the
16 chairperson's designee;
- 17 (3) The chairperson of the board of land and natural
18 resources or the chairperson's designee;
- 19 (4) The director of transportation or the director's
20 designee;



- 1 (5) The deputy director of the department of health's
- 2 environmental health administration or the deputy
- 3 director's designee;
- 4 (6) The [~~director of the office of environmental quality~~
- 5 ~~control or the director's designee,~~] state
- 6 sustainability coordinator;
- 7 (7) The director of the environmental law program at the
- 8 University of Hawaii at Manoa William S. Richardson
- 9 school of law;
- 10 (8) The administrator of the division of forestry and
- 11 wildlife within the department of land and natural
- 12 resources or the administrator's designee;
- 13 (9) One member who is also a member of the climate change
- 14 mitigation and adaptation commission;
- 15 (10) One researcher from the college of tropical
- 16 agriculture and human resources at the University of
- 17 Hawaii at Manoa;
- 18 (11) One extension agent from the college of tropical
- 19 agriculture and human resources at the University of
- 20 Hawaii at Manoa;



- 1 (12) Four members, one each to be appointed by the
2 respective mayors of the city and county of Honolulu,
3 and the counties of Hawaii, Kauai, and Maui; and
4 (13) Four members to be jointly selected and invited to
5 participate by the president of the senate and the
6 speaker of the house of representatives, of which two
7 members shall be selected from an environmental
8 nonprofit organization, and two members shall be
9 selected from an agricultural or ranching association.

10 Task force members may recommend to the task force
11 additional members with appropriate specialized expertise,
12 subject to approval by the chairperson."

13 SECTION 9. Section 279A-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§279A-4 Statewide transportation council; establishment.**

16 To assist and advise the state department of transportation in
17 the development of the statewide transportation plan there is
18 hereby established a statewide transportation council consisting
19 of [~~fourteen~~] thirteen members. The members of the council
20 shall be the directors of the state department of
21 transportation[~~, the state~~]; department of business, economic



1 development, and tourism[~~, the state~~]; department of health[~~, the~~
2 ~~the state office of environmental quality control, and the~~];
3 office of planning[~~, the~~]; chairperson of the board of
4 agriculture[~~, the~~]; planning directors of each of the four
5 counties[~~, the~~]; and [the] transportation directors of each of the
6 four counties. The members may be represented at council
7 meetings by their designated alternates. The director of the
8 state department of transportation shall submit recommendations
9 to the council for additional ex officio[+], [+] nonvoting
10 members who, upon the majority vote of the council, shall be
11 invited to serve.

12 The department of transportation shall furnish staff
13 support to the council; such staff may be exempt from chapter
14 76. The director of transportation shall be the chairperson of
15 the council. All decisions of the council shall be by majority
16 vote unless otherwise provided."

17 SECTION 10. Section 341-2, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending the definitions of "council", "director",
20 and "office" to read:



1 "\"Council\" means the environmental advisory council
2 established in [~~section 341-3(e).~~] this chapter.

3 "Director" means the director of [~~environmental quality~~
4 ~~control.~~] the office of planning.

5 "Office" means the office of [~~environmental quality control~~
6 ~~as established in section 341-3(a).~~] planning."

7 2. By repealing the definition of "center".

8 3. By repealing the definition of "university".

9 SECTION 11. Section 341-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§341-6 Functions of the environmental advisory council.**

12 The environmental advisory council shall serve as a liaison
13 between the [~~director~~] office of planning and the general public
14 by soliciting information, opinions, complaints,
15 recommendations, and advice concerning ecology and environmental
16 quality through public hearings or any other means and by
17 publicizing such matters as requested by the director pursuant
18 to section 341-4(b)(3). The environmental advisory council may
19 make recommendations concerning ecology and environmental
20 quality to the [~~director~~] office of planning and shall meet at
21 the call of the council chairperson or the director of the



1 office of planning upon notifying the council chairperson. The
2 environmental advisory council shall monitor the progress of
3 state, county, and federal agencies in achieving the State's
4 environmental goals and policies and ~~[with the assistance of the~~
5 ~~director shall make an annual report with recommendations for~~
6 ~~improvement to the governor, the legislature, and the public no~~
7 ~~later than January 31 of each year.]~~ shall submit its report and
8 recommendations for improvements concerning ecology and
9 environmental quality to the office of planning which shall be
10 included in the office of planning's annual report to the
11 legislature. All state and county agencies shall cooperate with
12 the council ~~[and assist in the preparation of such a report]~~ by
13 responding to its requests for information ~~[made by the council.~~
14 ~~The council may delegate to any person such power or authority~~
15 ~~vested in the council as it deems reasonable and proper for the~~
16 ~~effective administration of this section and chapter 343, except~~
17 ~~the power to make, amend, or repeal rules]."~~

18 SECTION 12. Section 343-2, Hawaii Revised Statutes, is
19 amended as follows:

20 1. By inserting a new definition to be appropriately
21 inserted to read:



1 "Director" means the director of the office of planning."

2 2. By amending the definition of "council" to read:

3 "Council" means the environmental advisory council."

4 3. By amending the definition of "office" to read:

5 "Office" means the office of [~~environmental quality~~
6 ~~control.~~] planning."

7 SECTION 13. Section 343-5, Hawaii Revised Statutes, is
8 amended by amending subsection (e) to read as follows:

9 "(e) Whenever an applicant proposes an action specified by
10 subsection (a) that requires approval of an agency and that is
11 not a specific type of action declared exempt under section
12 343-6, the agency initially receiving and agreeing to process
13 the request for approval shall require the applicant to prepare
14 an environmental assessment of the proposed action at the
15 earliest practicable time to determine whether an environmental
16 impact statement shall be required; provided that if the agency
17 determines, through its judgment and experience, that an
18 environmental impact statement is likely to be required, the
19 agency may authorize the applicant to choose not to prepare an
20 environmental assessment and instead prepare an environmental
21 impact statement that begins with the preparation of an



1 environmental impact statement preparation notice as provided by
2 rules. The final approving agency for the request for approval
3 is not required to be the accepting authority.

4 For environmental assessments for which a finding of no
5 significant impact is anticipated:

- 6 (1) A draft environmental assessment shall be made
7 available for public review and comment for a period
8 of thirty days;
- 9 (2) The office shall inform the public of the availability
10 of the draft environmental assessment for public
11 review and comment pursuant to section 343-3; and
- 12 (3) The applicant shall respond in writing to comments
13 received during the review and the applicant shall
14 prepare a final environmental assessment to determine
15 whether an environmental impact statement shall be
16 required. A statement shall be required if the agency
17 finds that the proposed action may have a significant
18 effect on the environment. The agency shall file
19 notice of the agency's determination with the office,
20 which, in turn, shall publish the agency's



1 determination for the public's information pursuant to
2 section 343-3.

3 The draft and final statements, if required, shall be
4 prepared by the applicant, who shall file these statements with
5 the office.

6 The draft statement shall be made available for public
7 review and comment through the office for a period of forty-five
8 days. The office shall inform the public of the availability of
9 the draft statement for public review and comment pursuant to
10 section 343-3.

11 The applicant shall respond in writing to comments received
12 during the review and prepare a final statement. The office,
13 when requested by the applicant or agency, may make a
14 recommendation as to the acceptability of the final statement.

15 The authority to accept a final statement shall rest with
16 the agency initially receiving and agreeing to process the
17 request for approval. The final decision-making body or
18 approving agency for the request for approval is not required to
19 be the accepting authority. The planning department for the
20 county in which the proposed action will occur shall be a
21 permissible accepting authority for the final statement.



1 Acceptance of a required final statement shall be a
2 condition precedent to approval of the request and commencement
3 of the proposed action. Upon acceptance or nonacceptance of the
4 final statement, the agency shall file notice of the
5 determination with the office. The office, in turn, shall
6 publish the determination of acceptance or nonacceptance of the
7 final statement pursuant to section 343-3.

8 The agency receiving the request, within thirty days of
9 receipt of the final statement, shall notify the applicant and
10 the office of the acceptance or nonacceptance of the final
11 statement. The final statement shall be deemed to be accepted
12 if the agency fails to accept or not accept the final statement
13 within thirty days after receipt of the final statement;
14 provided that the thirty-day period may be extended at the
15 request of the applicant for a period not to exceed fifteen
16 days.

17 In any acceptance or nonacceptance, the agency shall
18 provide the applicant with the specific findings and reasons for
19 its determination. ~~[An applicant, within sixty days after~~
20 ~~nonacceptance of a final statement by an agency, may appeal the~~
21 ~~nonacceptance to the environmental council which within thirty~~



1 ~~days of receipt of the appeal, shall notify the applicant of the~~
2 ~~council's determination. In any affirmation or reversal of an~~
3 ~~appealed nonacceptance, the council shall provide the applicant~~
4 ~~and agency with specific findings and reasons for its~~
5 ~~determination. The agency shall abide by the council's~~
6 ~~decision.] "~~

7 SECTION 14. Section 343-6, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) After consultation with the affected agencies [7] and
10 the environmental advisory council, the [council] office of
11 planning shall adopt, amend, or repeal necessary rules for the
12 purposes of this chapter in accordance with chapter 91
13 including [7] but not limited to [7] rules that shall:

14 (1) Prescribe the procedures whereby a group of proposed
15 actions may be treated by a single environmental
16 assessment or statement;

17 (2) Establish procedures whereby specific types of
18 actions, because they will probably have minimal or no
19 significant effects on the environment, are declared
20 exempt from the preparation of an environmental
21 assessment;



- 1 (3) Prescribe procedures for the preparation of an
2 environmental assessment;
- 3 (4) Prescribe the contents of an environmental assessment;
- 4 (5) Prescribe procedures for informing the public of
5 determinations that a statement is either required or
6 not required, for informing the public of the
7 availability of draft environmental impact statements
8 for review and comments, and for informing the public
9 of the acceptance or nonacceptance of the final
10 environmental statement;
- 11 (6) Prescribe the contents of an environmental impact
12 statement;
- 13 (7) Prescribe procedures for the submission, distribution,
14 review, acceptance or nonacceptance, and withdrawal of
15 an environmental impact statement; and
- 16 (8) Establish criteria to determine whether an
17 environmental impact statement is acceptable or not [
18 ~~and~~
- 19 ~~(9) Prescribe procedures to appeal the nonacceptance of an~~
20 ~~environmental impact statement to the environmental~~
21 ~~council]."~~



1 SECTION 15. Section 343-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "(a) Any judicial proceeding, the subject of which is the
4 lack of assessment required under section 343-5, shall be
5 initiated within one hundred twenty days of the agency's
6 decision to carry out or approve the action, or, if a proposed
7 action is undertaken without a formal determination by the
8 agency that a statement is or is not required, a judicial
9 proceeding shall be instituted within one hundred twenty days
10 after the proposed action is started. The council or office,
11 any agency responsible for approval of the action, or the
12 applicant shall be adjudged an aggrieved party for the purposes
13 of bringing judicial action under this subsection. Others, by
14 environmental court action, may be adjudged aggrieved.

15 (b) Any judicial proceeding, the subject of which is the
16 determination that a statement is required for a proposed
17 action, shall be initiated within sixty days after the public
18 has been informed of such determination pursuant to section
19 343-3. Any judicial proceeding, the subject of which is the
20 determination that a statement is not required for a proposed
21 action, shall be initiated within thirty days after the public



1 has been informed of such determination pursuant to section
2 343-3. The [~~council or the~~] applicant shall be adjudged an
3 aggrieved party for the purposes of bringing judicial action
4 under this subsection. Others, by environmental court action,
5 may be adjudged aggrieved.

6 (c) Any judicial proceeding, the subject of which is the
7 acceptance or nonacceptance of an environmental impact statement
8 required under section 343-5, shall be initiated within sixty
9 days after the public has been informed pursuant to section
10 343-3 of the acceptance of such statement. The advisory council
11 shall be adjudged an aggrieved party for the purpose of bringing
12 judicial action under this subsection. Affected agencies and
13 persons who provided written comment to such statement during
14 the designated review period shall be adjudged aggrieved parties
15 for the purpose of bringing judicial action under this
16 subsection; provided that for aggrieved parties, the contestable
17 issues shall be limited to issues identified and discussed in
18 the written comment[-], and for applicants, the contestable
19 issues shall be limited to those issues identified by the
20 accepting authority as the basis for nonacceptance of the
21 statement."



1 SECTION 16. Sections 128D-31, 186-3, 195D-4, 195D-22,
2 195D-24, 205A-30, 205A-42, 501-33, and 669-1 are amended by
3 substituting the word "planning" wherever the term
4 "environmental quality control" appears, as the context
5 requires.

6 SECTION 17. Subpart G of part IV of chapter 304A, Hawaii
7 Revised Statutes, is repealed.

8 SECTION 18. Section 341-3, Hawaii Revised Statutes, is
9 repealed.

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



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

3 ~~(c) There is created an environmental council not to~~
4 ~~exceed fifteen members. Except for the director, members of the~~
5 ~~environmental council shall be appointed by the governor as~~
6 ~~provided in section 26 34. The council shall be attached to the~~
7 ~~department of health for administrative purposes. Except for~~
8 ~~the director, the term of each member shall be four years;~~
9 ~~provided that, of the members initially appointed, five members~~
10 ~~shall serve for four years, five members shall serve for three~~
11 ~~years, and the remaining four members shall serve for two years.~~
12 ~~Vacancies shall be filled for the remainder of any unexpired~~
13 ~~term in the same manner as original appointments. The director~~
14 ~~shall be an ex officio voting member of the council. The~~
15 ~~council chairperson shall be elected by the council from among~~
16 ~~the appointed members of the council.~~

17 ~~Members shall be appointed to assure a broad and balanced~~
18 ~~representation of educational, business, and environmentally~~
19 ~~pertinent disciplines and professions, such as the natural and~~
20 ~~social sciences, the humanities, architecture, engineering,~~
21 ~~environmental consulting, public health, and planning;~~



1 ~~educational and research institutions with environmental~~
2 ~~competence, agriculture, real estate, visitor industry,~~
3 ~~construction, media, and voluntary community and environmental~~
4 ~~groups. The members of the council shall serve without~~
5 ~~compensation but shall be reimbursed for expenses, including~~
6 ~~travel expenses, incurred in the discharge of their duties."]~~

7 SECTION 19. Section 341-4, Hawaii Revised Statutes, is
8 repealed.

9 [~~§341-4 Powers and duties of the director. (a) The~~
10 ~~director shall have such powers delegated by the governor as are~~
11 ~~necessary to coordinate and, when requested by the governor, to~~
12 ~~direct pursuant to chapter 91 all state governmental agencies in~~
13 ~~matters concerning environmental quality.~~

14 ~~(b) To further the objective of subsection (a), the~~
15 ~~director shall:~~

16 ~~(1) Direct the attention of the university community and~~
17 ~~the residents of the State in general to ecological~~
18 ~~and environmental problems through the center and the~~
19 ~~council, respectively, and through public education~~
20 ~~programs;~~



- 1 ~~(2) Conduct research or arrange for the conduct of~~
2 ~~research through contractual relations with the~~
3 ~~center, state agencies, or other persons with~~
4 ~~competence in the field of ecology and environmental~~
5 ~~quality;~~
- 6 ~~(3) Encourage public acceptance of proposed legislative~~
7 ~~and administrative actions concerning ecology and~~
8 ~~environmental quality, and receive notice of any~~
9 ~~private or public complaints concerning ecology and~~
10 ~~environmental quality through the council;~~
- 11 ~~(4) Recommend programs for long range implementation of~~
12 ~~environmental quality control;~~
- 13 ~~(5) Submit direct to the governor and to the legislature~~
14 ~~such legislative bills and administrative policies,~~
15 ~~objectives, and actions, as are necessary to preserve~~
16 ~~and enhance the environmental quality of the State;~~
- 17 ~~(6) Conduct public educational programs; and~~
- 18 ~~(7) Offer advice and assistance to private industry,~~
19 ~~governmental agencies, or other persons upon request.~~
- 20 ~~(c) The director shall adopt rules pursuant to chapter 91~~
21 ~~necessary for the purposes of implementing this chapter."]~~



1 SECTION 20. All rights, powers, functions, and duties of
2 the office of environmental quality control are transferred to
3 the office of planning.

4 SECTION 21. All rules, policies, procedures, guidelines,
5 and other material adopted or developed by the department of
6 health, environmental council, or office of environmental
7 quality control to implement provisions of the Hawaii Revised
8 Statutes that are reenacted or made applicable to the office of
9 planning by this Act shall remain in full force and effect until
10 amended or repealed by the office of planning pursuant to
11 chapter 91, Hawaii Revised Statutes.

12 In the interim, every reference to the department of
13 health, environmental council, office of environmental quality
14 control, director of health, or director of the office of
15 environmental quality control in those rules, policies,
16 procedures, guidelines, and other material shall refer to the
17 office of planning, director of the office of planning,
18 environmental advisory council, or chairperson of the
19 environmental advisory council, as appropriate.



1 SECTION 22. All individuals currently employed at the
2 office of environmental quality control are transferred to the
3 office of planning.

4 Each employee impacted by this Act who occupies a civil
5 service position shall retain their civil service status,
6 whether permanent or temporary. Each employee shall be
7 transferred without loss of salary, seniority (except as
8 prescribed by applicable collective bargaining agreements),
9 retention points, prior service credit, any vacation and sick
10 leave credits previously earned, and other rights, benefits, and
11 privileges, in accordance with state personnel laws and this
12 Act; provided that the employees possess the minimum
13 qualifications and public employment requirements for the class
14 or position to which transferred or appointed, as applicable;
15 provided further that subsequent changes in status may be made
16 pursuant to applicable civil service and compensation laws.

17 Any employee who, prior to this Act, is exempt from civil
18 service may retain the employee's exempt status after the
19 transfer in this Act, but shall not be appointed to a civil
20 service position as a consequence of this Act. Any exempt
21 employee that is transferred by this Act shall not suffer any



1 loss of prior service credit, vacation or sick leave credits
2 previously earned, or other employee benefits or privileges as a
3 consequence of this Act; provided that the employees possess
4 legal and public employment requirements for the position to
5 which transferred or appointed, as applicable; provided further
6 that subsequent changes in status may be made pursuant to
7 applicable employment and compensation laws. The director of
8 the office of planning may prescribe the duties and
9 qualifications of these employees and fix their salaries without
10 regard to chapter 76, Hawaii Revised Statutes.

11 SECTION 23. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the office of environmental quality control
15 relating to the functions transferred to the office of planning
16 shall be transferred with the functions to which they relate.

17 SECTION 24. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 25. This Act shall take effect on July 1, 2050.



Report Title:

Environmental Review; Office of Environmental Quality Control;
Office of Planning; Environmental Advisory Council;
Establishment

Description:

Establishes the Environmental Advisory Council. Transfers the rights, powers, employees, appropriations, and other personal property from the Office of Environmental Quality Control to the Office of Planning. Transfers all rules adopted or developed by the Department of Health, Office of Environmental Quality Control, or Environmental Council to the Office of Planning. Amends the ability for an applicant to appeal nonacceptance of an environmental impact statement from the Environmental Council to the Environmental Court. Effective 7/1/2050. (SD1)

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

