A BILL FOR AN ACT

RELATING TO THE HAWAII ENVIRONMENTAL PROTECTION AGENCY.

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

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PART I

2 SECTION 1. The legislature finds that through its 3 policies, laws, and programs, Hawaii has become a preeminent 4 leader among the states in protecting our precious environment. 5 However, despite these accomplishments, Hawaii is one of the few 6 states in the nation that does not have a state-level 7 environmental protection agency. The legislature believes that, 8 if protecting the environment is a leading statewide concern, 9 environmental permitting programs, regulatory functions, and 10 policy functions should be concentrated within a single agency 11 and given a director. This will ensure the proper funding of 12 environmental programs, encourage the development of 13 environmental policies, and provide a cabinet-level voice for 14 environmental advocacy in the office of the governor. 15 The legislature notes that, currently, environmental

16 management is subservient in many branches of the State's 17 departments and agencies, and this leads to inefficiencies. For

HB LRB 23-0479-1.docx

1 example, the responsibilities for water resource management are 2 scattered among the environmental health administration and 3 clean water branch of the department of health. Additionally, 4 because the scope and mission of some departments are so broad, 5 directors must prioritize their requests for resources. 6 Inevitably, some programs and services outside a department's 7 core mission are left behind. These programs and services may 8 be a better fit in another department, where they can take a 9 higher priority.

10 The legislature also notes that, because environmental 11 permitting and regulatory functions are subservient to other 12 missions and divided among various departments, entities like 13 businesses, governmental bodies and agencies, and academic 14 institutions often face long delays in obtaining permits or 15 regulatory approval. To clarify environmentally-related subject 16 matter jurisdiction and to make regulatory and permitting 17 functions more efficient, many states have created unified 18 environmental departments within their governments' 19 organizational structures. The legislature recognizes that 20 there is a constitutional limit on the number of agencies that 21 can exist in the State's government and that Hawaii can only

HB LRB 23-0479-1.docx

Page 2

create one additional cabinet-level agency. However, the
 legislature believes that the protection of the environment and
 the creation of a strong, unified voice for environmental
 protection, are worthy of this allocation.

5 The legislature additionally finds that in 1984, the 6 legislature adopted Senate Concurrent Resolution No. 135 and House Concurrent Resolution No. 78, requesting the legislative 7 8 reference bureau to conduct a study on the feasibility of 9 establishing a state environmental protection agency, 10 department, or comparable body, to coordinate and address 11 matters of environmental quality. In 1985, the legislative 12 reference bureau released a study entitled "The Feasibility of 13 Environmental Reorganization for Hawaii", which, in part, 14 discussed the creation of a state department of environmental 15 protection.

16 The legislature further finds that Act 293, Session Laws of 17 Hawaii 1991 (Act 293), temporarily placed a department of 18 environmental protection in the Hawaii Revised Statutes. 19 However, the Act also provided for its repeal on July 1, 1992, 20 if the legislature failed to enact a bill establishing the 21 powers, duties, and other provisions of the department of

HB LRB 23-0479-1.docx

Page 3

H.B. NO. 1317

1	environmer	ntal protection during the regular session of 1992.
2	The depart	ment of environmental protection task force report, in
3	response t	to Act 293, found that while there was consensus that a
4	department	c of environmental protection should be established,
5	the task t	force could not reach consensus on a strategy regarding
6	the depart	ment's overall establishment. The legislature was not
7	able to er	nact a law establishing the powers, duties, and other
8	provisions	s of the department of environmental protection, and
9	therefore	Act 293 was repealed. However, the legislature
10	continues	to believe that a central authority should be created
11	to manage	the State's environmental issues.
12	Ассоз	rdingly, the purpose of this Act is to:
13	(1)	Create an environmental protection agency, as has been
14		done in other states, to raise environmental policies
15		to a cabinet-level agency within the state government;
16		and
17	(2)	Transfer the resources, duties, and responsibilities
18		of certain environmental offices in the State to
19		centralize and align environmental response within the
20		Hawaii environmental protection agency.

HB LRB 23-0479-1.docx

1	PART II
2	SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended
3	by adding a new section to part I to be appropriately designated
4	and to read as follows:
5	" <u>§26-</u> Hawaii environmental protection agency. (a) The
6	Hawaii environmental protection agency shall be headed by a
7	single executive to be known as the director of environmental
8	protection. The director shall appoint, without regard to
9	chapter 76, a deputy director of environmental protection.
10	(b) The agency shall be responsible for exercising
11	regulatory functions and coordinating responsibilities to manage
12	the State's environment.
13	(c) The following responsibilities are transferred to, and
14	placed under the administration of, the Hawaii environmental
15	protection agency as established by this chapter:
16	(1) Environmental response law (chapter 128D);
17	(2) Hawaii pesticides law (chapter 149A);
18	(3) Solid waste (chapter 340A);
19	(4) Wastewater treatment personnel (chapter 340B);
20	(5) Safe drinking water (chapter 340E);

HB LRB 23-0479-1.docx

1	(6)	Hawaii law for mandatory certification of public water				
2		system operators (chapter 340F);				
3	(7)	(7) Environmental quality control (chapter 341);				
4	(8)	Air pollution control (chapter 342B);				
5	(9)	Water pollution (chapter 342D);				
6	(10)	Nonpoint source pollution management and control				
7		(chapter 342E);				
8	(11)	Integrated solid waste management (chapter 342G);				
9	(12)	Solid waste pollution (chapter 342H);				
10	(13)	Special wastes recycling (chapter 3421);				
11	(14)	Hazardous waste (chapter 342J);				
12	(15)	Underground storage tanks (chapter 342L);				
13	(16)	State environmental policy (chapter 344); and				
14	(17)	The uniform environmental covenants act				
15		(chapter 508C)."				
16	SECT	ION 3. Section 26-4, Hawaii Revised Statutes, is				
17	7 amended to read as follows:					
18	"§26	-4 Structure of government. Under the supervision of				
19	the gover	nor, all executive and administrative offices,				
20	departments, and instrumentalities of the state government and					
21	their res	pective functions, powers, and duties shall be				

HB LRB 23-0479-1.docx

1	allocated	among and within the following principal departments
2	that are	hereby established:
3	(1)	Department of human resources development
4		(Section 26-5);
5	(2)	Department of accounting and general services
6		(Section 26-6);
7	(3)	Department of the attorney general (Section 26-7);
8	(4)	Department of budget and finance (Section 26-8);
9	(5)	Department of commerce and consumer affairs
10		(Section 26-9);
11	(6)	Department of taxation (Section 26-10);
12	(7)	University of Hawaii (Section 26-11);
13	(8)	Department of education (Section 26-12);
14	(9)	Department of health (Section 26-13);
15	(10)	Department of human services (Section 26-14);
16	(11)	Department of land and natural resources
17		(Section 26-15);
18	(12)	Department of agriculture (Section 26-16);
19	(13)	Department of Hawaiian home lands (Section 26-17);
20	(14)	Department of business, economic development, and
21		tourism (Section 26-18);

HB LRB 23-0479-1.docx

H.B. NO. 1317

1	(15)	Department of transportation (Section 26-19);	
2	(16)	Department of labor and industrial relations	
3		(Section 26-20);	
4	(17)	Department of defense (Section 26-21);	
5	(18)	Department of public safety (Section 26-14.6); [and]	
6	(19)	Department of law enforcement (Section 26-14.8) $[-]$;	
7		and	
8	(20)	Hawaii environmental protection agency	
9		(Section 26-)."	
10	SECT	ION 4. (a) Within ninety days of the effective date	
11	of this Act, the governor shall designate a representative who		
12	shall fac	ilitate the Hawaii environmental protection agency's	
13	orderly succession to the jurisdiction, powers, functions,		
14	rights, b	enefits, obligations, assets, liabilities, funds,	
15	accounts,	contracts, and all other things currently held, used,	
16	incurred,	or performed by the department of agriculture, or its	
17	chairpers	on and staff; and department of health, or its director	
18	and staff	, in administering and exercising the authority and	
19	fulfillin	g the responsibilities authorized or conferred upon	
20	these ent	ities by the chapters transferred in section 2 of this	
21	Act.		

HB LRB 23-0479-1.docx

1	(b) Within one hundred eighty days of the effective date
2	of this Act, the governor shall appoint a director of
3	environmental protection.
4	(c) To facilitate the Hawaii environmental protection
5	agency's timely assumption of the agency's authority and
6	responsibilities, the department of agriculture, department of
7	health, department of accounting and general services,
8	department of human resources development, state procurement
9	office, and any other state department or agency shall, if
10	requested by the Hawaii environmental protection agency, enter
11	into a memorandum of understanding with the Hawaii environmental
12	protection agency to:
13	(1) Provide administrative support services for the agency
14	pending the transfer of employees to the Hawaii
15	environmental protection agency;
16	(2) Develop a policy and set of robust procurement
17	procedures that foster accountability, transparency,
18	and oversight of contracts, including compliance with
19	federal procurement requirements;

HB LRB 23-0479-1.docx

H.B. NO. 1317

1	(3)	Assist the Hawaii environmental protection agency with
2		the organization of its human resources development
3		functions, including establishing:
4		(A) A human resources office; and
5		(B) The Hawaii environmental protection agency's
6		civil service and civil service positions; and
7		the classification system; merit appeals board;
8		recruitment system; performance appraisal system;
9		and administrative rules, policies, standards and
10		procedures, including internal complaint
11		procedures, adopted to support its civil service;
12	(4)	Assist the Hawaii environmental protection agency in
13		establishing its accounting, budgeting, fund
14		management, and communication and electronic
15		information systems, and creating appropriate
16		interfaces between the agency's accounting, budgeting,
17		fund management, communication, and electronic
18		information systems, and those of other departments
19		and state agencies;
20	(5)	Assist the Hawaii environmental protection agency in
21		identifying the plans and reports that departments and

HB LRB 23-0479-1.docx

H.B. NO. **1317**

1 agencies are required to prepare for the governor, 2 legislature, or other state department or agency; 3 determining whether the plans and reports have been 4 prepared and will be transferred to the agency on the 5 transfer completion date; and preparing the plans and 6 reports for the Hawaii environmental protection 7 agency, if they do not exist; and 8 (6) Expeditiously transfer to, or otherwise facilitate the 9 Hawaii environmental protection agency's acquisition 10 or assumption of, all of the powers, functions, 11 rights, benefits, obligations, assets, funds, 12 accounts, contracts and other things held, used, 13 incurred, and performed by other departments and 14 agencies and transferred to the agency by 15 section 26- (c), Hawaii Revised Statutes. 16 As soon as feasible, the Hawaii environmental (d) 17 protection agency, with the concurrence of the chairperson of 18 the board of agriculture, director of health, and governor, 19 shall establish the transfer completion date, which shall be no 20 later than December 31, 2025, and shall publish notice of the 21 transfer completion date by:

HB LRB 23-0479-1.docx

H.B. NO. **1317**

1	(1)	Publishing the notice in a daily publication of
2		statewide circulation pursuant to section 1-28.5,
3		Hawaii Revised Statutes;
4	(2)	Posting a copy of the notice on an electronic calendar
5		on a website maintained by the State; and
6	(3)	Providing a copy of the notice to the head of every
7		other state department.
8	SECT	ION 5. No more than ninety days after the transfer
9	completio	n date, all appropriations, records, equipment,
10	machines,	files, supplies, contracts, books, papers, documents,
11	maps, and	other personal property heretofore made, used,
12	acquired,	or held by the department of agriculture and
13	departmen	t of health relating to the functions transferred to
14	the Hawai	i environmental protection agency shall be transferred
15	with the	functions to which they relate.
16	SECT	ION 6. (a) All rights, powers, functions, and duties
17	of the de	partment of agriculture and department of health that
18	are assig	ned to the Hawaii environmental protection agency by
19	section 2	6- (c) are transferred to the Hawaii environmental
20	protectio	n agency.

HB LRB 23-0479-1.docx

H.B. NO. 1317

1 (b) All employees who occupy civil service positions and 2 whose functions are transferred to the Hawaii environmental 3 protection agency by this Act shall retain their civil service 4 status, whether permanent or temporary. Employees shall be 5 transferred without any loss of salary; seniority (except as 6 prescribed by applicable collective bargaining agreements); 7 retention points; prior service credit; any vacation and sick 8 leave credits previously earned; and other rights, benefits, and 9 privileges, in accordance with state personnel laws and this 10 Act; provided that the employees possess the minimum 11 qualifications and public employment requirements for the class 12 or position to which transferred or appointed; provided further 13 that subsequent changes in status may be made pursuant to 14 applicable civil service and compensation laws.

(c) Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status, but shall not be appointed to a civil service position as a consequence of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or

HB LRB 23-0479-1.docx

H.B. NO. **1311**

1	privileges as a consequence of this Act; provided that the
2	employees possess legal and public employment requirements for
3	the position to which transferred or appointed; provided further
4	that subsequent changes in status may be made pursuant to
5	applicable employment and compensation laws. The director of
6	environmental protection may prescribe the duties and
7	qualifications of these employees and fix their salaries without
8	regard to chapter 76, Hawaii Revised Statutes.
9	PART III
10	SECTION 7. Section 194-2, Hawaii Revised Statutes, is
11	amended by amending subsections (a) and (b) to read as follows:
12	"(a) There is established the invasive species council for
13	the special purpose of providing policy level direction,
14	coordination, and planning among state departments, federal
15	agencies, and international and local initiatives for the
16	control and eradication of harmful invasive species infestations
17	throughout the State and for preventing the introduction of
18	other invasive species that may be potentially harmful. The
19	council shall:
20	(1) Maintain a broad overview of the invasive species

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problem in the State;

HB LRB 23-0479-1.docx

H.B. NO. 1311

1	(2)	Advise, consult, and coordinate invasive
2		species-related efforts with and between the Hawaii
3		environmental protection agency and the departments of
4		agriculture, land and natural resources, health, and
5		transportation, as well as state, federal,
6		international, and privately organized programs and
7		policies;
8	(3)	Identify and prioritize each lead agency's
9		organizational and resource shortfalls with respect to
10		invasive species;
11	(4)	After consulting with appropriate state agencies,
12		create and implement a plan that includes the
13		prevention, early detection, rapid response, control,
14		enforcement, and education of the public with respect
15		to invasive species, as well as fashion a mission
16		statement articulating the State's position against
17		invasive species; provided that the appropriate state
18		agencies shall collaborate with the counties and
19		communities to develop and implement a systematic
20		approach to reduce and control coqui frog infestations
21		on public lands that are near or adjacent to

HB LRB 23-0479-1.docx

H.B. NO. 1317

1		comm	unities, and shall provide annual reports on the
2		prog	ress made in achieving this objective;
3	(5)	Coor	dinate and promote the State's position with
4		resp	ect to federal issues, including:
5		(A)	Quarantine preemption;
6		(B)	International trade agreements that ignore the
7			problem of invasive species in Hawaii;
8		(C)	First class mail inspection prohibition;
9		(D)	Whether quarantine of domestic pests arriving
10			from the mainland should be provided by the
11			federal government;
12		(E)	Coordinating efforts with federal agencies to
13			maximize resources and reduce or eliminate system
14			gaps and leaks, including deputizing the United
15			States Department of Agriculture's plant
16			protection and quarantine inspectors to enforce
17			Hawaii's laws;
18		(F)	Promoting the amendment of federal laws as
19			necessary, including the Lacey Act Amendments of
20			1981, Title 16 United States Code sections
21			3371-3378; Public Law 97-79, and laws related to

HB LRB 23-0479-1.docx

1		inspection of domestic airline passengers,
2		baggage, and cargo; and
3		(G) Coordinating efforts and issues with the federal
4		Invasive Species Council and its National
5		Invasive Species Management Plan;
6	(6)	Identify and record all invasive species present in
7		the State;
8	(7)	Designate the Hawaii environmental protection agency
9		or department of agriculture, health, or land and
10		natural resources as the lead agency for each function
11		of invasive species control, including prevention,
12		rapid response, eradication, enforcement, and
13		education;
14	(8)	Identify all state, federal, and other moneys expended
15		for the purposes of the invasive species problem in
16		the State;
17	(9)	Identify all federal and private funds available to
18		the State to fight invasive species and advise and
19		assist state departments to acquire these funds;
20	(10)	Advise the governor and legislature on budgetary and
21		other issues regarding invasive species;

HB LRB 23-0479-1.docx

H.B. NO. **1317**

1	(11)	Provide annual reports on budgetary and other related
2		issues to the legislature twenty days prior to each
3		regular session;
4	(12)	Include and coordinate with the counties in the fight
5		against invasive species to increase resources and
6		funding and to address county-sponsored activities
7		that involve invasive species;
8	(13)	Review state agency mandates and commercial interests
9		that sometimes call for the maintenance of potentially
10		destructive alien species as resources for sport
11		hunting, aesthetic resources, or other values;
12	(14)	Review the structure of fines and penalties to ensure
13		maximum deterrence for invasive species-related
14		crimes;
15	(15)	Suggest appropriate legislation to improve the State's
16		administration of invasive species programs and
17		policies;
18	(16)	Incorporate and expand upon the department of
19		agriculture's weed risk assessment protocol to the
20		extent appropriate for the council's invasive species
21		control and eradication efforts; and

HB LRB 23-0479-1.docx

H.B. NO. 131

1	(17) Perform any other function necessary to effectuate the
2	purposes of this chapter.
3	(b) The council shall be placed within the [department of
4	land and natural resources] agency for administrative purposes
5	only and shall be composed of:
6	(1) The president of the University of Hawaii, or the
7	president's designated representative;
8	(2) The director, or the director's designated
9	representative, of each of the following
10	departments[+] or agencies:
11	(A) Business, economic development, and tourism;
12	(B) Health; [and]
13	(C) Transportation; and
14	(D) Environmental protection; and
15	(3) The chairperson, or the chairperson's designated
16	representative, of each of the following departments:
17	(A) Agriculture; and
18	(B) Land and natural resources."
19	SECTION 8. Section 344-2, Hawaii Revised Statutes, is
20	amended by amending the definition of "agency" to read as
21	follows:

HB LRB 23-0479-1.docx

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H.B. NO. **1311**

1 ""Agency" means any agency, department, office, board, or 2 commission of the State or county government that is a part of 3 the executive branch of that government." 4 PART IV 5 SECTION 9. Chapter 149A, Hawaii Revised Statutes, is 6 amended by: 7 Substituting the phrase "Hawaii environmental (1)8 protection agency," or a similar term, wherever the 9 phrase "department of agriculture", or a similar term, 10 appears, as the context requires; and 11 (2) Substituting the phrase "director of environmental 12 protection", or a similar term, wherever the term 13 "chairperson of the board of agriculture", or a 14 similar term, appears, as the context requires. 15 SECTION 10. (a) The department of agriculture shall be 16 responsible for all obligations incurred by the department in 17 connection with the department's exercise of the authority and 18 performance of the duties and responsibilities conferred upon it 19 and the chairperson of the board of agriculture by chapter 149A, 20 Hawaii Revised Statutes, until the time that the obligations, 21 including any accounts payable, accrued paid time off, debt,

HB LRB 23-0479-1.docx

H.B. NO. **1311**

capital leases, and other obligations incurred before the
 transfer completion date, have been assumed by the Hawaii
 environmental protection agency, which shall not occur prior to
 the transfer completion date.

(b) All collective bargaining disputes or claims against
the department of agriculture grounded in an act or omission, or
an event that occurred prior to the transfer completion date,
shall remain the responsibility of the department of
agriculture.

(c) All liabilities arising out of the Hawaii
environmental protection agency's exercise of the authority and
performance of the duties and responsibilities conferred upon it
and its director by chapter 149A, Hawaii Revised Statutes, after
the transfer completion date shall be the responsibility of the
Hawaii environmental protection agency.

(d) The assumption by the Hawaii environmental protection
agency of any bonds, notes, or other obligations of the
department of agriculture shall be subject to the terms and
provisions of any certificate, indenture, or resolution securing
those bonds, notes, or other obligations.

HB LRB 23-0479-1.docx

H.B. NO. 1311

(e) On the transfer completion date, the Hawaii
 environmental protection agency shall assume responsibility for
 all rights, duties, penalties, and proceedings of the department
 of agriculture pursuant to chapter 149A, Hawaii Revised
 Statutes, as transferred by this Act.

6 SECTION 11. All rules, policies, procedures, guidelines, 7 and other materials adopted or developed by the department of 8 agriculture to implement provisions of the Hawaii Revised 9 Statutes that are reenacted or made applicable to the Hawaii 10 environmental protection agency by this Act shall remain in full force and effect on and after the transfer completion date 11 12 established pursuant to section 4 of this Act, until amended or 13 repealed by the Hawaii environmental protection agency pursuant 14 to chapter 91, Hawaii Revised Statutes. In the interim, every 15 reference to the department of agriculture, board of 16 agriculture, or chairperson of the board of agriculture in those 17 rules, policies, procedures, guidelines, and other materials, is 18 amended to refer to the Hawaii environmental protection agency 19 or director of environmental protection, as appropriate. 20 SECTION 12. All deeds, executive orders, leases,

21 contracts, loans, agreements, permits, or other documents

HB LRB 23-0479-1.docx

H.B. NO. **1317**

1	executed of	or entered into by or on behalf of the department of	
2	agriculture, pursuant to the provisions of the Hawaii Revised		
3	Statutes, that are reenacted or made applicable to the Hawaii		
4	environme	ntal protection agency by this Act shall remain in full	
5	force and	effect. On the transfer completion date established	
6	pursuant	to section 4 of this Act, every reference to the	
7	departmen	t of agriculture or board of agriculture in those	
8	deeds, exe	ecutive orders, leases, contracts, loans, agreements,	
9	permits,	or other documents shall be construed as a reference to	
10	the Hawaii environmental protection agency.		
11		PART V	
12	SECT	ION 13. Chapter 341, Hawaii Revised Statutes, is	
13	amended by	y:	
14	(1)	Substituting the phrase "Hawaii environmental	
15		protection agency," or a similar term, wherever the	
16		phrase "office of planning and sustainable	
17		development", or a similar term, appears, as the	
18		context requires; and	
19	(2)	Substituting the phrase "director of environmental	
20		protection", or a similar term, wherever the term	
21		"director of the office of planning and sustainable	

HB LRB 23-0479-1.docx

H.B. NO. **[3]1**

1	development", or a similar term, appears, as the
2	context requires.
3	PART VI
4	SECTION 14. Chapters 128D, 340A, 340B, 340E, 340F, 342B,
5	342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C, Hawaii
6	Revised Statutes, are amended by:
7	(1) Substituting the phrase "Hawaii environmental
8	protection agency," or a similar term, wherever the
9	phrase "department of health", or a similar term,
10	appears, as the context requires; and
11	(2) Substituting the phrase "director of environmental
12	protection", or a similar term, wherever the term
13	"director of health", or a similar term, appears, as
14	the context requires.
15	SECTION 15. (a) The department of health shall be
16	responsible for all obligations incurred by the department in
17	connection with the department's exercise of the authority and
18	performance of the duties and responsibilities conferred upon it
19	and its director by chapters 128D, 340A, 340B, 340E, 340F, 342B,
20	342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C, Hawaii
21	Revised Statutes, until the time that the obligations, including

HB LRB 23-0479-1.docx

H.B. NO. **1317**

any accounts payable, accrued paid time off, debt, capital
 leases, and other obligations incurred before the transfer
 completion date, have been assumed by the Hawaii environmental
 protection agency, which shall not occur prior to the transfer
 completion date.

6 (b) All collective bargaining disputes or claims against
7 the department of health grounded in an act or omission, or an
8 event that occurred prior to the transfer completion date, shall
9 remain the responsibility of the department of health.

10 (c) All liabilities arising out of the Hawaii 11 environmental protection agency's exercise of the authority and 12 performance of the duties and responsibilities conferred upon it 13 and its director by chapters 128D, 340A, 340B, 340E, 340F, 342B, 14 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C, Hawaii 15 Revised Statutes, after the transfer completion date shall be 16 the responsibility of the Hawaii environmental protection 17 agency.

18 (d) The assumption by the Hawaii environmental protection
19 agency of any bonds, notes, or other obligations of the
20 department of health shall be subject to the terms and

HB LRB 23-0479-1.docx

H.B. NO. **1311**

provisions of any certificate, indenture, or resolution securing
 those bonds, notes, or other obligations.

3 (e) On the transfer completion date, the Hawaii
4 environmental protection agency shall assume responsibility for
5 all rights, duties, penalties, and proceedings of the department
6 of health pursuant to chapters 128D, 340A, 340B, 340E, 340F,
7 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C, Hawaii
8 Revised Statutes, as transferred by this Act.

9 SECTION 16. All rules, policies, procedures, quidelines, 10 and other materials adopted or developed by the department of 11 health to implement provisions of the Hawaii Revised Statutes 12 that are reenacted or made applicable to the Hawaii 13 environmental protection agency by this Act shall remain in full 14 force and effect on and after the transfer completion date 15 established pursuant to section 6 of this Act, until amended or 16 repealed by the Hawaii environmental protection agency pursuant 17 to chapter 91, Hawaii Revised Statutes. In the interim, every reference to the department of health and director of health in 18 19 those rules, policies, procedures, guidelines, and other 20 materials, is amended to refer to the Hawaii environmental

HB LRB 23-0479-1.docx

H.B. NO. **1311**

1 protection agency or director of environmental protection, as 2 appropriate.

3 SECTION 17. All deeds, executive orders, leases, 4 contracts, loans, agreements, permits, or other documents 5 executed or entered into by or on behalf of the department of 6 health, pursuant to the provisions of the Hawaii Revised 7 Statutes, that are reenacted or made applicable to the Hawaii 8 environmental protection agency by this Act shall remain in full 9 force and effect. On the transfer completion date established 10 pursuant to section 6 of this Act, every reference to the 11 department of health in those deeds, executive orders, leases, 12 contracts, loans, agreements, permits, or other documents shall 13 be construed as a reference to the Hawaii environmental 14 protection agency. 15 PART VII

16 SECTION 18. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that 17 18 were begun before its effective date.

19 SECTION 19. If any provision of this Act, or the 20 application thereof to any person or circumstance, is held 21 invalid, the invalidity does not affect other provisions or

HB LRB 23-0479-1.docx

H.B. NO. 1317

applications of the Act that can be given effect without the
 invalid provision or application, and to this end the provisions
 of this Act are severable.

4 SECTION 20. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 21. This Act shall take effect upon its approval.

7

INTRODUCED BY:

Elle Cochucu

JAN 2 5 2023

Report Title:

HDOA; DOH; Hawaii Environmental Protection Agency; Transfer of Functions

Description:

Establishes the Hawaii Environmental Protection Agency. Transfers jurisdiction of certain functions and employees of the Department of Agriculture and Department of Health to the Hawaii Environmental Protection Agency.

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