

**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Monday, March 14, 2022
1:00 PM
State Capitol, Conference Room 224
in consideration of
HB 1810 HD1
RELATING TO THE ENVIRONMENTAL ADVISORY COUNCIL.

Chair Senator Gabbard, Vice Chair Senator Nishihara, and Members of the Senate Committee on Agriculture and Environment

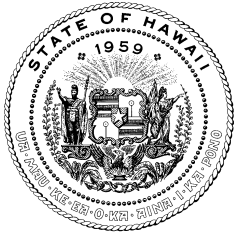
The Office of Planning and Sustainable Development (OPSD) **supports** HB 1810 HD1.

The bill sets forth new text in section 341-5.5, HRS, to establish quorum as a “majority of all of the members currently appointed to the environmental advisory council.” The bill further establishes that the “concurrence of a majority of all the members currently appointed to the environmental advisory council shall be necessary to make any action of the council valid.”

There have been many instances where the Environmental Advisory Council has not had its full complement of fifteen members, due to term expirations. The minimum number of board members required for quorum is eight members. In some instances, meetings have had to be cancelled because of the inability to meet the quorum count due to having a number of members be much less than the fifteen the council is entitled to.

In short, we believe that the proposed revisions to section 341-5.5, Hawai‘i Revised Statutes, will allow the Environmental Advisory Council to function more efficiently.

Thank you for the opportunity to testify on this measure.



STATE ENVIRONMENTAL ADVISORY COUNCIL

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Testimony of the Environmental Advisory Council on HB 1810
Senate Committee on Agriculture and Environment
Monday, March 14, 2022
1:00 PM, Conference Room 224 & Videoconference

David Y. Ige

David Y. Ige
Governor

Chairperson

Puananionaona Thoene

Vice Chair
Mary Begier

Members

Roy Abe

Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Makaala Kaaumoana
Ian Robin Kaye
Theresita Kinnaman
Ron Terry
Michael Tulang
N. Mahina Tuteur

March 12, 2022

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Senate Committee on Agriculture and Environment:

I am currently Chair of the Environmental Advisory Council (EAC), and Robin Kaye is Chair of its Legislative Committee. We are submitting this testimony **in SUPPORT of HB1810** on behalf of the EAC.

As you know, the EAC (previously known as the Environmental Council (EC)) operates under HRS Chapter 341. For several years prior to 2015, the EC struggled just to make quorum, with vacancies left unfilled for years. With a change of administrations in 2014, that changed as the EC began to operate with its full complement of members.

And that change in status led to the EC's multi-year effort to successfully complete a long-overdue revision to the Chapter 343 rules, signed into law in 2019.

Under HRS Chapter 341, the EAC is entitled to have up to fifteen members, which means that quorum is achieved only when a minimum of eight members are present. But lately, we have been unfortunately operating once again on the edge of quorum.

There are currently only eleven members appointed and confirmed to the EAC due to resignations, changes in positions, and term expirations. And while four new members have recently been recommended — and are in fact now awaiting the scheduling of hearings on their nominations — this situation has again pushed us to that quorum-based struggles the Environmental Council faced for years and years. Meeting quorum over the last year has been challenging on occasion and in some instances, meetings have had to be cancelled.

Hawai'i Revised Statutes (HRS) Chapter 341, which governs the EAC, does not currently establish special quorum requirements for the EAC. Accordingly, quorum for the EAC is set by HRS § 92-15 applying to all boards and commissions whose enabling statutes do not specify the number of members necessary to constitute a quorum to do business or validate acts, which provides that the number of members required to

establish a quorum is a majority of all members to which the board or commission is entitled.

HB 1810 would amend HRS § 341-5.5 to (1) establish quorum for the EAC as a "majority of all of the members currently appointed to the environmental advisory council"; and (2) establish that a "concurrence of a majority of all the members currently *appointed* to the environmental advisory council shall be necessary to make any action of the council valid." (Emphases added.)

The passing of HB 1810 would assist the EAC by lowering the minimum number of members required to constitute a quorum and allow the EAC to do business on a regular basis. For these reasons, the EAC is in strong support of HB 1810, and encourage its passing.

Mahalo,

Puananionaona Thoene
Chair, EAC

Robin Kaye
Chair, Legislative Committee of the EAC