
A BILL FOR AN ACT

RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

1 SECTION 1. The legislature finds that Hawaii's government
2 should operate as efficiently as possible to make the best use
3 of government resources, personnel, and taxpayer dollars as it
4 works to achieve the policy goals enacted by the legislature on
5 behalf of the people of Hawaii. However, natural resource and
6 environmental management is split among many departments and
7 agencies, often leading to inefficiencies. For example, the use
8 and protection of water resources is scattered among the
9 environmental health administration and clean water branch of
10 the department of health; the division of aquatic resources,
11 commission on water resource management, office of conservation
12 and coastal lands, and division of boating and ocean recreation
13 of the department of land and natural resources; and the coastal
14 zone management program of the office of planning of the
15 department of business, economic development, and tourism.

16 The legislature also finds that several departments also
17 suffer from internal conflicts of interest, including the



1 department of land and natural resources, which is tasked to
2 preserve Hawaii's public lands as well as make them available
3 for other purposes.

4 The legislature further finds that because the scope and
5 mission of some departments are so broad, directors must
6 prioritize their requests for resources. Inevitably, some
7 programs and services outside a department's core mission are
8 left behind. These programs and services may be a better fit in
9 another department where they can take a higher priority.

10 In addition, modern critical issues such as climate change
11 necessitate that action and responsibility be spread among
12 several departments. It is sometimes unclear which departments
13 will take the lead and which will be responsible for using their
14 limited resources to tackle these challenges. To clarify
15 environmentally related subject matter jurisdiction, many states
16 have a unified environmental department within their
17 governmental organizational structures.

18 The legislature additionally finds that in 1984, the
19 legislature adopted Senate Concurrent Resolution No. 135 and
20 House Concurrent Resolution No. 78, requesting the legislative
21 reference bureau to conduct a study on establishing a state



1 environmental protection agency, department, or comparable body
2 to coordinate and address matters of environmental quality. In
3 1985, the legislative reference bureau released a study, "The
4 Feasibility of Environmental Reorganization for Hawaii", which,
5 in part, discussed the creation of a state department of
6 environmental protection.

7 The legislature further finds that Act 293, Session Laws of
8 Hawaii 1991 (Act 293), temporarily placed a department of
9 environmental protection in the Hawaii Revised Statutes; however
10 the Act also provided for its repeal on July 1, 1992, if the
11 legislature failed to enact a bill establishing the powers,
12 duties, and other provisions of the department of environmental
13 protection during the regular session of 1992. The department
14 of environmental protection task force report, in response to
15 Act 293, found that while there was consensus that a department
16 of environmental protection should be established, the task
17 force could not reach consensus on the strategy regarding the
18 overall establishment of the department. The legislature was
19 not able to enact a law establishing the powers, duties, and
20 other provisions of the department of environmental protection,
21 and thus, Act 293 was repealed.



1 The purpose of this Act is to transfer the resources,
2 duties, and responsibilities of certain environmental offices in
3 the State to centralize and align environmental response within
4 a department of environmental protection.

5 SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended
6 by adding a new section to part 1 to be appropriately designated
7 and to read as follows:

8 "§26- Department of environmental protection. (a) The
9 department of environmental protection shall be headed by an
10 executive board to be known as the board of environmental
11 protection.

12 (b) The board of environmental protection shall consist of
13 seven members, one from each land district and three at large.
14 The appointment, tenure, and removal of the members and the
15 filling of vacancies on the board shall be as provided in
16 section 26-34. The majority of the members of the board shall
17 have a background in at least one of the areas transferred to
18 the department pursuant to subsection (d).

19 (c) The governor shall appoint a chairperson of the board
20 from among the members. The board may delegate to the
21 chairperson such duties, powers, and authority, or so much



1 thereof, as may be lawful or proper for the performance of the
2 functions vested in the board. The chairperson of the board
3 shall serve in a full-time capacity. The chairperson, in that
4 capacity, shall perform those duties, and exercise those powers
5 and authority, or so much thereof, as may be delegated by the
6 board.

7 (d) The department shall be responsible for environmental
8 regulatory functions and coordinating responsibilities in the
9 management of Hawaii's environment.

10 (e) The following are transferred to the department of
11 environmental protection as established by this chapter and
12 placed under the administration of the department of
13 environmental protection:

14 (1) Environmental response law (chapter 128D);

15 (2) Hawaii pesticides law (chapter 149A);

16 (3) Plant and non-domestic animal quarantine and
17 microorganism import (chapter 150A);

18 (4) State water code (chapter 174C);

19 (5) Forest reserves, water development, zoning (chapter
20 183);

21 (6) Hawaiian fishponds (chapter 183B);



- 1 (7) Conservation district (chapter 183C);
- 2 (8) Wildlife (chapter 183D);
- 3 (9) State parks and recreation areas (chapter 184);
- 4 (10) Land fire protection law (chapter 185);
- 5 (11) Tree farms (chapter 186);
- 6 (12) Aquatic resources (chapter 187A);
- 7 (13) Fishing rights and regulations (chapter 188);
- 8 (14) West Hawaii regional fishery management area (chapter
9 188F);
- 10 (15) Commercial fishing (chapter 189);
- 11 (16) Marine life conservation program (chapter 190);
- 12 (17) Ocean and submerged lands leasing (chapter 190D);
- 13 (18) Conservation: employment programs (part IV, chapter
14 193);
- 15 (19) Natural area reserves system (chapter 195);
- 16 (20) Conservation of aquatic life, wildlife, and land
17 plants (chapter 195D);
- 18 (21) Forest stewardship (chapter 195F);
- 19 (22) Energy resources (chapter 196);
- 20 (23) Geothermal and cable system development (chapter
21 196D);



- 1 (24) General provisions relating to aquatic resources and
- 2 wildlife (chapter 197);
- 3 (25) Conservation easements (chapter 198);
- 4 (26) Solid waste (chapter 340A);
- 5 (27) Wastewater treatment personnel (chapter 340B);
- 6 (28) Safe drinking water (chapter 340E);
- 7 (29) Hawaii law for mandatory certification of public water
- 8 system operators (chapter 340F);
- 9 (30) Environmental quality control (chapter 341);
- 10 (31) Air pollution control (chapter 342B);
- 11 (32) Water pollution (chapter 342D);
- 12 (33) Nonpoint source pollution management and control
- 13 (342E);
- 14 (34) Integrated solid waste management (chapter 342G);
- 15 (35) Solid waste pollution (chapter 342H);
- 16 (36) Special wastes recycling (chapter 342I);
- 17 (37) Hazardous waste (chapter 342J);
- 18 (38) Underground storage tanks (chapter 342L);
- 19 (39) State environmental policy (chapter 344); and
- 20 (40) Uniform environmental covenants act (chapter 508C)."



1 SECTION 3. Section 26-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§26-4 Structure of government. Under the supervision of
4 the governor, all executive and administrative offices,
5 departments, and instrumentalities of the state government and
6 their respective functions, powers, and duties shall be
7 allocated among and within the following principal departments
8 that are hereby established:

- 9 (1) Department of human resources development (Section 26-
10 5) i
- 11 (2) Department of accounting and general services (Section
12 26-6) i
- 13 (3) Department of the attorney general (Section 26-7) i
- 14 (4) Department of budget and finance (Section 26-8) i
- 15 (5) Department of commerce and consumer affairs (Section
16 26-9) i
- 17 (6) Department of taxation (Section 26-10) i
- 18 (7) University of Hawaii (Section 26-11) i
- 19 (8) Department of education (Section 26-12) i
- 20 (9) Department of health (Section 26-13) i
- 21 (10) Department of human services (Section 26-14) i



- 1 (11) Department of land and natural resources (Section 26-
- 2 15);i
- 3 (12) Department of agriculture (Section 26-16);i
- 4 (13) Department of Hawaiian home lands (Section 26-17);i
- 5 (14) Department of business, economic development, and
- 6 tourism (Section 26-18);i
- 7 (15) Department of transportation (Section 26-19);i
- 8 (16) Department of labor and industrial relations (Section
- 9 26-20);i
- 10 (17) Department of defense (Section 26-21);i
- 11 (18) Department of public safety (Section 26-14.6) [~~+~~];i and
- 12 (19) Department of environmental protection (Section
- 13 26-) ."

14 SECTION 4. Section 84-17, Hawaii Revised Statutes, is
 15 amended by amending subsection (d) to read as follows:

16 "(d) The financial disclosure statements of the following
 17 persons shall be public records and available for inspection and
 18 duplication:

- 19 (1) The governor, the lieutenant governor, the members of
- 20 the legislature, candidates for and delegates to the
- 21 constitutional convention, the trustees of the office



1 of Hawaiian affairs, and candidates for state elective
2 offices;

3 (2) The directors of the state departments and their
4 deputies, regardless of the titles by which the
5 foregoing persons are designated; provided that with
6 respect to the department of the attorney general, the
7 foregoing shall apply only to the attorney general and
8 the first deputy attorney general;

9 (3) The administrative director of the State;

10 (4) The president, the vice presidents, the assistant vice
11 presidents, the chancellors, members of the board of
12 regents, and the provosts of the University of Hawaii;

13 (5) The members of the board of education and the
14 superintendent, the deputy superintendent, the state
15 librarian, and the deputy state librarian of the
16 department of education;

17 (6) The administrative director and the deputy director of
18 the courts;

19 (7) The administrator and the assistant administrator of
20 the office of Hawaiian affairs; and



- 1 (8) The members of the following state boards,
2 commissions, and agencies:
- 3 (A) The board of directors of the agribusiness
4 development corporation established under section
5 163D-3;
- 6 (B) The board of agriculture established under
7 section 26-16;
- 8 (C) The state ethics commission established under
9 section 84-21;
- 10 (D) The Hawaii community development authority
11 established under section 206E-3;
- 12 (E) The Hawaiian homes commission established under
13 the Hawaiian Homes Commission Act of 1920, as
14 amended, and section 26-17;
- 15 (F) The board of directors of the Hawaii housing
16 finance and development corporation established
17 under section 201H-3;
- 18 (G) The board of land and natural resources
19 established under section 171-4;
- 20 (H) The state land use commission established under
21 section 205-1;



- 1 (I) The legacy land conservation commission
2 established under section 173A-2.4;
- 3 (J) The natural area reserves system commission
4 established under section 195-6;
- 5 (K) The board of directors of the natural energy
6 laboratory of Hawaii authority established under
7 section 227D-2;
- 8 (L) The board of directors of the Hawaii public
9 housing authority established under section
10 356D-3;
- 11 (M) The public utilities commission established under
12 section 269-2; [~~and~~]
- 13 (N) The commission on water resource management
14 established under section 174C-7[~~-~~]; and
- 15 (O) The board of environmental protection established
16 under section 26- ."

17 SECTION 5. Section 194-2, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "**§194-2** [~~†~~]**Establishment of council; duties.**[~~‡~~] (a)
20 There is established the invasive species council for the
21 special purpose of providing policy level direction,



1 coordination, and planning among state departments, federal
2 agencies, and international and local initiatives for the
3 control and eradication of harmful invasive species infestations
4 throughout the State and for preventing the introduction of
5 other invasive species that may be potentially harmful. The
6 council shall:

- 7 (1) Maintain a broad overview of the invasive species
8 problem in the State;
- 9 (2) Advise, consult, and coordinate invasive species-
10 related efforts with and between the departments of
11 agriculture, land and natural resources, health, and
12 transportation, as well as state, federal,
13 international, and privately organized programs and
14 policies;
- 15 (3) Identify and prioritize each lead agency's
16 organizational and resource shortfalls with respect to
17 invasive species;
- 18 (4) After consulting with appropriate state agencies,
19 create and implement a plan that includes the
20 prevention, early detection, rapid response, control,
21 enforcement, and education of the public with respect



1 to invasive species, as well as fashion a mission
2 statement articulating the State's position against
3 invasive species; provided that the appropriate state
4 agencies shall collaborate with the counties and
5 communities to develop and implement a systematic
6 approach to reduce and control coqui frog infestations
7 on public lands that are near or adjacent to
8 communities, and shall provide annual reports on the
9 progress made in achieving this objective;

10 (5) Coordinate and promote the State's position with
11 respect to federal issues, including:

12 (A) Quarantine preemption;

13 (B) International trade agreements that ignore the
14 problem of invasive species in Hawaii;

15 (C) First class mail inspection prohibition;

16 (D) Whether quarantine of domestic pests arriving
17 from the mainland should be provided by the
18 federal government;

19 (E) Coordinating efforts with federal agencies to
20 maximize resources and reduce or eliminate system
21 gaps and leaks, including deputizing the United



- 1 States Department of Agriculture's plant
2 protection and quarantine inspectors to enforce
3 Hawaii's laws;
- 4 (F) Promoting the amendment of federal laws as
5 necessary, including the Lacey Act Amendments of
6 1981, Title 16 United States Code sections 3371-
7 3378; Public Law 97-79, and laws related to
8 inspection of domestic airline passengers,
9 baggage, and cargo; and
- 10 (G) Coordinating efforts and issues with the federal
11 Invasive Species Council and its National
12 Invasive Species Management Plan;
- 13 (6) Identify and record all invasive species present in
14 the State;
- 15 (7) Designate the department of agriculture, environmental
16 protection, health, or land and natural resources as
17 the lead agency for each function of invasive species
18 control, including prevention, rapid response,
19 eradication, enforcement, and education;



- 1 (8) Identify all state, federal, and other moneys expended
2 for the purposes of the invasive species problem in
3 the State;
- 4 (9) Identify all federal and private funds available to
5 the State to fight invasive species and advise and
6 assist state departments to acquire these funds;
- 7 (10) Advise the governor and legislature on budgetary and
8 other issues regarding invasive species;
- 9 (11) Provide annual reports on budgetary and other related
10 issues to the legislature twenty days prior to each
11 regular session;
- 12 (12) Include and coordinate with the counties in the fight
13 against invasive species to increase resources and
14 funding and to address county-sponsored activities
15 that involve invasive species;
- 16 (13) Review state agency mandates and commercial interests
17 that sometimes call for the maintenance of potentially
18 destructive alien species as resources for sport
19 hunting, aesthetic resources, or other values;



- 1 (14) Review the structure of fines and penalties to ensure
- 2 maximum deterrence for invasive species-related
- 3 crimes;
- 4 (15) Suggest appropriate legislation to improve the State's
- 5 administration of invasive species programs and
- 6 policies;
- 7 (16) Incorporate and expand upon the department of
- 8 agriculture's weed risk assessment protocol to the
- 9 extent appropriate for the council's invasive species
- 10 control and eradication efforts; and
- 11 (17) Perform any other function necessary to effectuate the
- 12 purposes of this chapter.
- 13 (b) The council shall be placed within the department of
- 14 ~~[land and natural resources]~~ environmental control for
- 15 administrative purposes only and shall be composed of:
- 16 (1) The president of the University of Hawaii, or the
- 17 president's designated representative;
- 18 (2) The director, or the director's designated
- 19 representative, of each of the following departments:
- 20 (A) Business, economic development, and tourism;
- 21 (B) Health; and



- 1 (C) Transportation; and
- 2 (3) The chairperson, or the chairperson's designated
- 3 representative, of each of the following departments:
- 4 (A) Agriculture; [~~and~~]
- 5 (B) Environmental Protection; and
- 6 [~~(B)~~] (C) Land and natural resources."

7 SECTION 6. (a) Within ninety days of the effective date
8 of this Act, the governor shall designate a representative who
9 shall facilitate the department of environmental protection's
10 orderly succession to the jurisdiction, powers, functions,
11 rights, benefits, obligations, assets, liabilities, funds,
12 accounts, contracts, and all other things currently held, used,
13 incurred, or performed by the department of land and natural
14 resources, its chairperson and staff; department of agriculture,
15 its chairperson and staff; and department of health, or its
16 director and staff, in administering and exercising the
17 authority and fulfilling the responsibilities authorized or
18 conferred upon the departments of land and natural resources,
19 agriculture, and health and the chair of the board of land and
20 natural resources, chair of the board of agriculture, and



1 director of health, by the chapters transferred in section 2 of
2 this Act.

3 (b) Within one hundred eighty days of the effective date
4 of this Act, the governor shall appoint the members of the board
5 of environmental protection.

6 (c) To facilitate the department of environmental
7 protection's timely assumption of the departments' authority and
8 responsibilities, the department of land and natural resources,
9 department of health, department of agriculture, department of
10 accounting and general services, department of human resources
11 development, state procurement office, and any other state
12 department or agency shall, if requested by the department of
13 environmental protection, enter into a memorandum of
14 understanding with the department of environmental protection
15 to:

16 (1) Provide administrative support services for the
17 department pending the transfer of employees to the
18 department of environmental protection pursuant to
19 section 8 of this Act;

20 (2) Develop a policy and set of robust procurement
21 procedures that foster accountability, transparency



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



- 1 (5) Assist the department of environmental protection in
2 identifying the plans and reports that departments and
3 agencies administratively attached to a department are
4 required to prepare for the governor, legislature, or
5 another state department or agency; determining
6 whether those plans and reports have been prepared and
7 will be transferred to the department on the transfer
8 completion date; and preparing the same for the
9 department of environmental protection, if they do not
10 exist; and
- 11 (6) Expeditiously transfer or otherwise facilitate the
12 department of environmental protection's acquisition
13 or assumption of all of the powers, functions, rights,
14 benefits, obligations, assets, funds, accounts,
15 contracts, and all other things held, used, incurred,
16 or performed by the:
- 17 (A) Department of land and natural resources, board
18 of land and natural resources, chairperson of
19 board of land and natural resources, and staff of
20 the department of land and natural resources;



1 (B) Department of agriculture, board of agriculture,
2 chairperson of the board of agriculture, and
3 staff of the department of agriculture; and
4 (C) Department of health, director of health, and
5 staff of the department of health,
6 in exercising the authority and fulfilling and
7 administering the responsibilities conferred upon the
8 department of environmental protection by transfer of
9 chapters 128D, 149A, 150A, 174C, 183, 183B, 183C,
10 183D, 184, 185, 186, 187A, 188, 188F, 189, 190, 190D,
11 193, 194, 195, 195D, 195F, 196, 196D, 197, 198D, 340A,
12 340B, 340E, 340F, 341, 342B, 342D, 342E, 342G, 342H,
13 342I, 342J, 342L, 344, and 508C, Hawaii Revised
14 Statutes, to the department by this Act.

15 (d) As soon as feasible, the department of environmental
16 protection, with the concurrence of the chairperson of the board
17 of land and natural resources, chairperson of the board of
18 agriculture, director of health, and governor, shall establish
19 the transfer completion date, which shall be no later than
20 December 31, 2024, and publish notice of the transfer completion
21 date by:



- 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 SECTION 7. Chapters 174, 183, 183B, 183D, 184, 185, 186,
9 187A, 188, 188F, 189, 190, 190D, part IV of 193, 195, 195D,
10 195F, 196D, 197, and 198D, Hawaii Revised Statutes, are amended
11 by substituting the phrase "department of environmental
12 protection", or similar term, wherever the term "department of
13 land and natural resources", or similar term, appears, as the
14 context requires.

15 SECTION 8. Chapters 174, 183, 183D, 184, 185, 186, 187A,
16 190D, 195, 195D, 195F, 197, and 198D, Hawaii Revised Statutes,
17 are amended by substituting the phrase "board of environmental
18 protection", or similar term, wherever the phrase "board of land
19 and natural resources", or similar term, appears, as the context
20 requires.



1 SECTION 9. Chapters 183D, 184, 190D, 195, and 198D, Hawaii
2 Revised Statutes, are amended by substituting the term
3 "chairperson of the board of environmental protection", or
4 similar term, wherever the term "chairperson of the board of
5 land and natural resources", or similar term, appears, as the
6 context requires.

7 SECTION 10. Chapters 149A and 150A, Hawaii Revised
8 Statutes, are amended by substituting the term "department of
9 environmental protection", or similar term, wherever the phrase
10 "department of agriculture", or similar term, appears, as the
11 context requires.

12 SECTION 11. Chapters 149A and 150A, Hawaii Revised
13 Statutes, are amended by substituting the term "board of
14 environmental protection", or similar term, wherever the phrase
15 "board of agriculture", or similar term, appears, as the context
16 requires.

17 SECTION 12. Chapters 149A and 150A Hawaii Revised
18 Statutes, are amended by substituting the term "chairperson of
19 the board of environmental protection", or similar term,
20 wherever the term "chairperson of the board of agriculture", or
21 similar term, appears, as the context requires.



1 SECTION 13. Chapters 128D, 340A, 340B, 340E, 340F, 341,
2 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C, Hawaii
3 Revised Statutes, are amended by substituting the term
4 "department of environmental protection", or similar term,
5 wherever the term "department of health" or similar term,
6 appears, as the context requires.

7 SECTION 14. Chapters 128D, 340B, 340E, 340F, 342B, 342D,
8 342E, 342G, 342H, 342I, 342J, 342L, and 508C, Hawaii Revised
9 Statutes, are amended by substituting the term "chairperson of
10 the board of environmental protection", or similar term,
11 wherever the term "director of health" or similar term, appears,
12 as the context requires.

13 SECTION 15. All appropriations, records, equipment,
14 machines, files, supplies, contracts, books, papers, documents,
15 maps, and other personal property heretofore made, used,
16 acquired, or held by the department of land and natural
17 resources, department of agriculture, and department of health
18 relating to the functions transferred to the department of
19 environmental protection shall be transferred with the functions
20 to which they relate.



1 SECTION 16. All rights, powers, functions, and duties of
2 the department of land and natural resources, department of
3 agriculture, and department of health are transferred to the
4 department of environmental protection.

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



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 retain the employee's exempt status, but shall not be appointed
4 to a civil service position as a consequence of this Act. An
5 exempt employee who is transferred by this Act shall not suffer
6 any loss of prior service credit, vacation or sick leave credits
7 previously earned, or other employee benefits or privileges as a
8 consequence of this Act; provided that the employees possess
9 legal and public employment requirements for the position to
10 which transferred or appointed, as applicable; provided further
11 that subsequent changes in status may be made pursuant to
12 applicable employment and compensation laws. The chairperson of
13 board of environmental protection may prescribe the duties and
14 qualifications of these employees and fix their salaries without
15 regard to chapter 76, Hawaii Revised Statutes.

16 SECTION 17. (a) The department of land and natural
17 resources shall be responsible for any and all obligations
18 incurred by the department in connection with the department's
19 exercise of the authority and performance of the duties and
20 responsibilities conferred upon it and its chairperson by
21 chapters 174, 183, 183B, 183D, 184, 185, 186, 187A, 188, 188F,



1 189, 190, 190D, part IV of 193, 195, 195D, 195F, 196D, 197, and
2 198D, Hawaii Revised Statutes, until the time that the
3 obligations, including any accounts payable, accrued paid time
4 off, debt, capital leases, and other obligations incurred before
5 the transfer completion date, have been assumed by the
6 department of environmental protection, which shall not occur
7 prior to the transfer completion date.

8 (b) All collective bargaining disputes or claims against
9 the department of land and natural resources grounded in an act
10 or omission, or an event that occurred prior to the transfer
11 completion date shall remain the responsibility of the
12 department of land and natural resources.

13 (c) All liabilities arising out of the department of
14 environmental protection's exercise of the authority and
15 performance of the duties and responsibilities conferred upon it
16 and its chairperson by chapters 174, 183, 183B, 183D, 184, 185,
17 186, 187A, 188, 188F, 189, 190, 190D, part IV of 193, 195, 195D,
18 195F, 196D, 197, and 198D, Hawaii Revised Statutes, after the
19 transfer completion date shall be the responsibility of the
20 department of environmental protection.



1 (d) The assumption by the department of environmental
2 protection of the bonds, notes, or other obligations of the
3 department of land and natural resources shall be subject to the
4 terms and provisions of any certificate, indenture, or
5 resolution securing those bonds, notes, or other obligations.

6 (e) On the transfer completion date, the department of
7 environmental protection shall assume responsibility for all
8 rights, duties, penalties, and proceedings of the department of
9 land and natural resources by the transfer of chapters 174, 183,
10 183B, 183D, 184, 185, 186, 187A, 188, 188F, 189, 190, 190D, part
11 IV of 193, 195, 195D, 195F, 196D, 197, and 198D, Hawaii Revised
12 Statutes, to the department of environmental protection under
13 this Act.

14 SECTION 18. (a) The department of agriculture shall be
15 responsible for any and all obligations incurred by the
16 department in connection with the department's exercise of the
17 authority and performance of the duties and responsibilities
18 conferred upon it and its chairperson by chapters 149A and 150A,
19 Hawaii Revised Statutes, until the time that the obligations,
20 including any accounts payable, accrued paid time off, debt,
21 capital leases, and other obligations incurred before the



1 transfer completion date, have been assumed by the department of
2 environmental protection, which shall not occur prior to the
3 transfer completion date.

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

9 (c) All liabilities arising out of the department of
10 environmental protection's exercise of the authority and
11 performance of the duties and responsibilities conferred upon it
12 and its chairperson by chapters 149A and 150A, Hawaii Revised
13 Statutes, after the transfer completion date shall be the
14 responsibility of the department of environmental protection.

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

20 (e) On the transfer completion date, the department of
21 environmental protection shall assume responsibility for all



1 rights, duties, penalties, and proceedings of the department of
2 agriculture by the transfer of chapters 149A and 150A, Hawaii
3 Revised Statutes, to the department of environmental protection
4 under this Act.

5 SECTION 19. (a) The department of health shall be
6 responsible for any and all obligations incurred by the
7 department in connection with the department's exercise of the
8 authority and performance of the duties and responsibilities
9 conferred upon it and its director by chapters 128D, 340A, 340B,
10 340E, 340F, 341, 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L,
11 and 508C, Hawaii Revised Statutes, until the time that the
12 obligations, including any accounts payable, accrued paid time
13 off, debt, capital leases, and other obligations incurred before
14 the transfer completion date, have been assumed by the
15 department of environmental protection, which shall not occur
16 prior to the transfer completion date.

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



1 (c) All liabilities arising out of the department of
2 environmental protection's exercise of the authority and
3 performance of the duties and responsibilities conferred upon it
4 and its chairperson by chapters 128D, 340A, 340B, 340E, 340F,
5 341, 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C,
6 Hawaii Revised Statutes, after the transfer completion date
7 shall be the responsibility of the department of environmental
8 protection.

9 (d) The assumption by the department of environmental
10 protection of the bonds, notes, or other obligations of the
11 department of health shall be subject to the terms and
12 provisions of any certificate, indenture, or resolution securing
13 those bonds, notes, or other obligations.

14 (e) On the transfer completion date, the department of
15 environmental protection shall assume responsibility for all
16 rights, duties, penalties, and proceedings of the department of
17 health by the transfer of chapters 128D, 340A, 340B, 340E, 340F,
18 341, 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C,
19 Hawaii Revised Statutes, to the department of environmental
20 protection under this Act.



1 SECTION 20. On or no more than ninety days after the
2 transfer completion date, all appropriations, records,
3 equipment, machines, files, supplies, contracts, books, papers,
4 documents, maps, and other personal property heretofore made,
5 used, acquired, or held by the department of land and natural
6 resources, department of agriculture, and department of health
7 relating to the functions transferred to the department of
8 environmental protection by this Act shall be transferred with
9 the functions to which they relate.

10 SECTION 21. All rules, policies, procedures, guidelines,
11 and other material adopted or developed by the department of
12 land and natural resources, department of agriculture, and
13 department of health to implement provisions of the Hawaii
14 Revised Statutes that are reenacted or made applicable to the
15 department of environmental protection by this Act shall remain
16 in full force and effect on and after the transfer completion
17 date established pursuant to section 6 of this Act, until
18 amended or repealed by the department of environmental
19 protection pursuant to chapter 91, Hawaii Revised Statutes. In
20 the interim, every reference to the department of land and
21 natural resources, board of land and natural resources,



1 chairperson of the board of land and natural resources;
2 department of agriculture, board of agriculture, chairperson of
3 the board of agriculture; and department of health and director
4 of health, in those rules, policies, procedures, guidelines, and
5 other material is amended to refer to the department of
6 environmental protection or chairperson of the board of
7 environmental protection, as appropriate.

8 SECTION 22. All deeds, executive orders, leases,
9 contracts, loans, agreements, permits, or other documents
10 executed or entered into by or on behalf of the department of
11 land and natural resources, department of agriculture, and
12 department of health, pursuant to the provisions of the Hawaii
13 Revised Statutes, that are reenacted or made applicable to the
14 department of environmental protection by this Act shall remain
15 in full force and effect. On the transfer completion date
16 established pursuant to section 6 of this Act, every reference
17 to the department of land and natural resources, department of
18 agriculture, and department of health in those deeds, executive
19 orders, leases, contracts, loans, agreements, permits or other
20 documents shall be construed as a reference to the department of



1 environmental protection or the board of environmental
2 protection.

3 SECTION 23. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

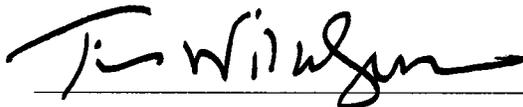
6 SECTION 24. If any provision of this Act, or the
7 application thereof to any person or circumstance, is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 25. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 26. This Act shall take effect upon its approval.

15

INTRODUCED BY:



JAN 22 2021



H.B. NO. 423

Report Title:

Department of Environmental Protection; Establishment; Transfer of Functions; Department of Land and Natural Resources; Department of Agriculture; Department of Health

Description:

Establishes the department of environmental protection. Transfers jurisdiction of certain functions and employees of the department of land and natural resources, department of agriculture, and department of health to the department of environmental protection.

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

