

JAN 27 2021

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



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

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



1 other provisions of the department of environmental protection,
2 and thus, Act 293 was repealed.

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

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

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

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



1 (c) The governor shall appoint a chairperson of the board
2 from among the members. The board may delegate to the
3 chairperson such duties, powers, and authority, or so much
4 thereof, as may be lawful or proper for the performance of the
5 functions vested in the board. The chairperson of the board
6 shall serve in a full-time capacity. The chairperson, in that
7 capacity, shall perform those duties, and exercise those powers
8 and authority, or so much thereof, as may be delegated by the
9 board.

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

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

- 17 (1) Environmental response law (chapter 128D);
- 18 (2) Hawaii pesticides law (chapter 149A);
- 19 (3) Plant and non-domestic animal quarantine and
20 microorganism import (chapter 150A);



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- 1 (4) State water code (chapter 174C);
- 2 (5) Forest reserves, water development, zoning (chapter
- 3 183);
- 4 (6) Hawaiian fishponds (chapter 183B);
- 5 (7) Conservation district (chapter 183C);
- 6 (8) Wildlife (chapter 183D);
- 7 (9) State parks and recreation areas (chapter 184);
- 8 (10) Land fire protection law (chapter 185);
- 9 (11) Tree farms (chapter 186);
- 10 (12) Aquatic resources (chapter 187A);
- 11 (13) Fishing rights and regulations (chapter 188);
- 12 (14) West Hawaii regional fishery management area (chapter
- 13 188F);
- 14 (15) Commercial fishing (chapter 189);
- 15 (16) Marine life conservation program (chapter 190);
- 16 (17) Ocean and submerged lands leasing (chapter 190D);
- 17 (18) Conservation: employment programs (part IV, chapter
- 18 193);
- 19 (19) Natural area reserves system (chapter 195);



- 1 (20) Conservation of aquatic life, wildlife, and land
- 2 plants (chapter 195D);
- 3 (21) Forest stewardship (chapter 195F);
- 4 (22) Energy resources (chapter 196);
- 5 (23) Geothermal and cable system development (chapter
- 6 196D);
- 7 (24) General provisions relating to aquatic resources and
- 8 wildlife (chapter 197);
- 9 (25) Conservation easements (chapter 198);
- 10 (26) Solid waste (chapter 340A);
- 11 (27) Wastewater treatment personnel (chapter 340B);
- 12 (28) Safe drinking water (chapter 340E);
- 13 (29) Hawaii law for mandatory certification of public water
- 14 system operators (chapter 340F);
- 15 (30) Environmental quality control (chapter 341);
- 16 (31) Air pollution control (chapter 342B);
- 17 (32) Water pollution (chapter 342D);
- 18 (33) Nonpoint source pollution management and control
- 19 (342E);
- 20 (34) Integrated solid waste management (chapter 342G);



- 1 (35) Solid waste pollution (chapter 342H);
- 2 (36) Special wastes recycling (chapter 342I);
- 3 (37) Hazardous waste (chapter 342J);
- 4 (38) Underground storage tanks (chapter 342L);
- 5 (39) State environmental policy (chapter 344); and
- 6 (40) Uniform environmental covenants act (chapter 508C)."

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

9 "**§26-4 Structure of government.** Under the supervision of
 10 the governor, all executive and administrative offices,
 11 departments, and instrumentalities of the state government and
 12 their respective functions, powers, and duties shall be
 13 allocated among and within the following principal departments
 14 that are hereby established:

- 15 (1) Department of human resources development (Section 26-
 16 5);
- 17 (2) Department of accounting and general services (Section
 18 26-6);
- 19 (3) Department of the attorney general (Section 26-7);
- 20 (4) Department of budget and finance (Section 26-8);



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



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

3 "(d) The financial disclosure statements of the following
4 persons shall be public records and available for inspection and
5 duplication:

6 (1) The governor, the lieutenant governor, the members of
7 the legislature, candidates for and delegates to the
8 constitutional convention, the trustees of the office
9 of Hawaiian affairs, and candidates for state elective
10 offices;

11 (2) The directors of the state departments and their
12 deputies, regardless of the titles by which the
13 foregoing persons are designated; provided that with
14 respect to the department of the attorney general, the
15 foregoing shall apply only to the attorney general and
16 the first deputy attorney general;

17 (3) The administrative director of the State;

18 (4) The president, the vice presidents, the assistant vice
19 presidents, the chancellors, members of the board of
20 regents, and the provosts of the University of Hawaii;



- 1 (5) The members of the board of education and the
2 superintendent, the deputy superintendent, the state
3 librarian, and the deputy state librarian of the
4 department of education;
- 5 (6) The administrative director and the deputy director of
6 the courts;
- 7 (7) The administrator and the assistant administrator of
8 the office of Hawaiian affairs; and
- 9 (8) The members of the following state boards,
10 commissions, and agencies:
- 11 (A) The board of directors of the agribusiness
12 development corporation established under section
13 163D-3;
- 14 (B) The board of agriculture established under
15 section 26-16;
- 16 (C) The state ethics commission established under
17 section 84-21;
- 18 (D) The Hawaii community development authority
19 established under section 206E-3;



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- 1 (E) The Hawaiian homes commission established under
- 2 the Hawaiian Homes Commission Act of 1920, as
- 3 amended, and section 26-17;
- 4 (F) The board of directors of the Hawaii housing
- 5 finance and development corporation established
- 6 under section 201H-3;
- 7 (G) The board of land and natural resources
- 8 established under section 171-4;
- 9 (H) The state land use commission established under
- 10 section 205-1;
- 11 (I) The legacy land conservation commission
- 12 established under section 173A-2.4;
- 13 (J) The natural area reserves system commission
- 14 established under section 195-6;
- 15 (K) The board of directors of the natural energy
- 16 laboratory of Hawaii authority established under
- 17 section 227D-2;
- 18 (L) The board of directors of the Hawaii public
- 19 housing authority established under section
- 20 356D-3;



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- 1 (M) The public utilities commission established under
- 2 section 269-2; [~~and~~]
- 3 (N) The commission on water resource management
- 4 established under section 174C-7[~~+~~]; and
- 5 (O) The board of environmental protection established
- 6 under section 26- ."

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

9 "**§194-2** [~~+~~]**Establishment of council; duties.** [~~+~~] (a)

10 There is established the invasive species council for the
11 special purpose of providing policy level direction,
12 coordination, and planning among state departments, federal
13 agencies, and international and local initiatives for the
14 control and eradication of harmful invasive species infestations
15 throughout the State and for preventing the introduction of
16 other invasive species that may be potentially harmful. The
17 council shall:

- 18 (1) Maintain a broad overview of the invasive species
- 19 problem in the State;



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



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- 1 communities, and shall provide annual reports on the
2 progress made in achieving this objective;
- 3 (5) Coordinate and promote the State's position with
4 respect 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 3371-



- 1 3378; Public Law 97-79, and laws related to
2 inspection of domestic airline passengers,
3 baggage, and cargo; and
4 (G) Coordinating efforts and issues with the federal
5 Invasive Species Council and its National
6 Invasive Species Management Plan;
7 (6) Identify and record all invasive species present in
8 the State;
9 (7) Designate the department of agriculture, environmental
10 protection, health, or land and natural resources as
11 the lead agency for each function of invasive species
12 control, including prevention, rapid response,
13 eradication, enforcement, and 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;



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



1 (16) Incorporate and expand upon the department of
2 agriculture's weed risk assessment protocol to the
3 extent appropriate for the council's invasive species
4 control and eradication efforts; and

5 (17) Perform any other function necessary to effectuate the
6 purposes of this chapter.

7 (b) The council shall be placed within the department of
8 ~~[land and natural resources]~~ environmental control for
9 administrative purposes only and shall be composed of:

10 (1) The president of the University of Hawaii, or the
11 president's designated representative;

12 (2) The director, or the director's designated
13 representative, of each of the following departments:

14 (A) Business, economic development, and tourism;

15 (B) Health; and

16 (C) Transportation; and

17 (3) The chairperson, or the chairperson's designated
18 representative, of each of the following departments:

19 (A) Agriculture; ~~and~~

20 (B) Environmental Protection; and



1 [~~B~~] (C) Land and natural resources."

2 SECTION 6. (a) Within ninety days of the effective date
3 of this Act, the governor shall designate a representative who
4 shall facilitate the department of environmental protection's
5 orderly succession to the jurisdiction, powers, functions,
6 rights, benefits, obligations, assets, liabilities, funds,
7 accounts, contracts, and all other things currently held, used,
8 incurred, or performed by the department of land and natural
9 resources, its chairperson and staff; department of agriculture,
10 its chairperson and staff; and department of health, or its
11 director and staff, in administering and exercising the
12 authority and fulfilling the responsibilities authorized or
13 conferred upon the departments of land and natural resources,
14 agriculture, and health and the chair of the board of land and
15 natural resources, chair of the board of agriculture, and
16 director of health, by the chapters transferred in section 2 of
17 this Act.

18 (b) Within one hundred eighty days of the effective date
19 of this Act, the governor shall appoint the members of the board
20 of environmental protection.



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

11 (1) Provide administrative support services for the
12 department pending the transfer of employees to the
13 department of environmental protection pursuant to
14 section 8 of this Act;

15 (2) Develop a policy and set of robust procurement
16 procedures that foster accountability, transparency
17 and oversight of contracts, including compliance with
18 federal procurement requirements;



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1 (3) Assist the department of environmental protection with
2 the organization of its human resources development
3 functions, including establishing:

4 (A) A human resources office; and

5 (B) The department of environmental protection'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,
10 and procedures, including internal complaint
11 procedures, adopted to support its civil service.

12 (4) Assist the department of environmental protection in
13 establishing its accounting, budgeting, fund
14 management, and communication and electronic
15 information systems, and creating appropriate
16 interfaces between the department's accounting,
17 budgeting, fund management, communication and
18 electronic information systems, and those of the other
19 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



1 December 31, 2024, and publish notice of the transfer completion
2 date by:

- 3 (1) Publishing the notice in a daily publication of
4 statewide circulation pursuant to section 1-28.5,
5 Hawaii Revised Statutes;
- 6 (2) Posting a copy of the notice on an electronic calendar
7 on a website maintained by the State; and
- 8 (3) Providing a copy of the notice to the head of every
9 other state department.

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

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



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1 and natural resources", or similar term, appears, as the context
2 requires.

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

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

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

19 SECTION 12. Chapters 149A and 150A Hawaii Revised
20 Statutes, are amended by substituting the term "chairperson of



1 the board of environmental protection", or similar term,
2 wherever the term "chairperson of the board of agriculture", or
3 similar term, appears, as the context requires.

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

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

16 SECTION 15. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the department of land and natural
20 resources, department of agriculture, and department of health



1 relating to the functions transferred to the department of
2 environmental protection shall be transferred with the functions
3 to which they relate.

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

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



1 applicable; provided further that subsequent changes in status
2 may be made pursuant to applicable civil service and
3 compensation laws.

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

19 SECTION 17. (a) The department of land and natural
20 resources shall be responsible for any and all obligations



1 incurred by the department in connection with the department's
2 exercise of the authority and performance of the duties and
3 responsibilities conferred upon it and its chairperson by
4 chapters 174, 183, 183B, 183D, 184, 185, 186, 187A, 188, 188F,
5 189, 190, 190D, part IV of 193, 195, 195D, 195F, 196D, 197, and
6 198D, Hawaii Revised Statutes, until the time that the
7 obligations, including any accounts payable, accrued paid time
8 off, debt, capital leases, and other obligations incurred before
9 the transfer completion date, have been assumed by the
10 department of environmental protection, which shall not occur
11 prior to the transfer completion date.

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

17 (c) All liabilities arising out of the department of
18 environmental protection's exercise of the authority and
19 performance of the duties and responsibilities conferred upon it
20 and its chairperson by chapters 174, 183, 183B, 183D, 184, 185,



1 186, 187A, 188, 188F, 189, 190, 190D, part IV of 193, 195, 195D,
2 195F, 196D, 197, and 198D, Hawaii Revised Statutes, after the
3 transfer completion date shall be the responsibility of the
4 department of environmental protection.

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

10 (e) On the transfer completion date, the department of
11 environmental protection shall assume responsibility for all
12 rights, duties, penalties, and proceedings of the department of
13 land and natural resources by the transfer of chapters 174, 183,
14 183B, 183D, 184, 185, 186, 187A, 188, 188F, 189, 190, 190D, part
15 IV of 193, 195, 195D, 195F, 196D, 197, and 198D, Hawaii Revised
16 Statutes, to the department of environmental protection under
17 this Act.

18 SECTION 18. (a) The department of agriculture shall be
19 responsible for any and all obligations incurred by the
20 department in connection with the department's exercise of the



1 authority and performance of the duties and responsibilities
2 conferred upon it and its chairperson by chapters 149A and 150A,
3 Hawaii Revised Statutes, until the time that the obligations,
4 including any accounts payable, accrued paid time off, debt,
5 capital leases, and other obligations incurred before the
6 transfer completion date, have been assumed by the department of
7 environmental protection, which shall not occur prior to the
8 transfer completion date.

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

14 (c) All liabilities arising out of the department of
15 environmental protection's exercise of the authority and
16 performance of the duties and responsibilities conferred upon it
17 and its chairperson by chapters 149A and 150A, Hawaii Revised
18 Statutes, after the transfer completion date shall be the
19 responsibility of the 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 agriculture shall be subject to the terms and
4 provisions of any certificate, indenture, or resolution securing
5 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 agriculture by the transfer of chapters 149A and 150A, Hawaii
10 Revised Statutes, to the department of environmental protection
11 under this Act.

12 SECTION 19. (a) The department of health shall be
13 responsible for any and all obligations incurred by the
14 department in connection with the department's exercise of the
15 authority and performance of the duties and responsibilities
16 conferred upon it and its director by chapters 128D, 340A, 340B,
17 340E, 340F, 341, 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L,
18 and 508C, Hawaii Revised Statutes, until the time that the
19 obligations, including any accounts payable, accrued paid time
20 off, debt, capital leases, and other obligations incurred before



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

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

8 (c) All liabilities arising out of the department of
9 environmental protection's exercise of the authority and
10 performance of the duties and responsibilities conferred upon it
11 and its chairperson by chapters 128D, 340A, 340B, 340E, 340F,
12 341, 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C,
13 Hawaii Revised Statutes, after the transfer completion date
14 shall be the responsibility of the department of environmental
15 protection.

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



1 (e) On the transfer completion date, the department of
2 environmental protection shall assume responsibility for all
3 rights, duties, penalties, and proceedings of the department of
4 health by the transfer of chapters 128D, 340A, 340B, 340E, 340F,
5 341, 342B, 342D, 342E, 342G, 342H, 342I, 342J, 342L, and 508C,
6 Hawaii Revised Statutes, to the department of environmental
7 protection under this Act.

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

17 SECTION 21. All rules, policies, procedures, guidelines,
18 and other material adopted or developed by the department of
19 land and natural resources, department of agriculture, and
20 department of health to implement provisions of the Hawaii



1 Revised Statutes that are reenacted or made applicable to the
2 department of environmental protection by this Act shall remain
3 in full force and effect on and after the transfer completion
4 date established pursuant to section 6 of this Act, until
5 amended or repealed by the department of environmental
6 protection pursuant to chapter 91, Hawaii Revised Statutes. In
7 the interim, every reference to the department of land and
8 natural resources, board of land and natural resources,
9 chairperson of the board of land and natural resources;
10 department of agriculture, board of agriculture, chairperson of
11 the board of agriculture; and department of health and director
12 of health, in those rules, policies, procedures, guidelines, and
13 other material is amended to refer to the department of
14 environmental protection or chairperson of the board of
15 environmental protection, as appropriate.

16 SECTION 22. All deeds, executive orders, leases,
17 contracts, loans, agreements, permits, or other documents
18 executed or entered into by or on behalf of the department of
19 land and natural resources, department of agriculture, and
20 department of health, pursuant to the provisions of the Hawaii



1 Revised Statutes, that are reenacted or made applicable to the
2 department of environmental protection by this Act shall remain
3 in full force and effect. On the transfer completion date
4 established pursuant to section 6 of this Act, every reference
5 to the department of land and natural resources, department of
6 agriculture, and department of health in those deeds, executive
7 orders, leases, contracts, loans, agreements, permits or other
8 documents shall be construed as a reference to the department of
9 environmental protection or the board of environmental
10 protection.

11 SECTION 23. This Act does not affect rights and duties
12 that matured, penalties that were incurred, and proceedings that
13 were begun before its effective date.

14 SECTION 24. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.



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1 SECTION 25. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY: _____

Jan Dennis



S.B. NO. 968

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.

