

ACT 293

S.B. NO. 9

A Bill for an Act Relating to a Department of Environmental Protection.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§26-4 Structure of government. Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments [which] that are hereby established:

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

SECTION 2. During the interim period before the 1992 legislative session the governor shall prepare an organizational and functional plan for the new department and a plan for the orderly transition of the functions transferred by this Act. The governor shall be assisted by a task force appointed by him, consisting of representatives of the departments of health, agriculture, and land and natural resources; the office of environmental quality control, the office of state planning, the environmental center of the University of Hawaii, and organizations representing the environment, business, and tourism. The organizational and functional plan shall be submitted to the legislature no later than thirty days prior to the convening of the 1992 legislative session as part of the supplemental executive budget request.

SECTION 3. The task force shall consider and evaluate the possible duties and authority of the department, including but not limited to the following:

- (1) Develop policies and coordinate the planning and implementation of state programs relating to environmental protection;
- (2) Develop and continuously update a comprehensive environmental quality action plan consistent with the state environmental policy under chapter 344 which shall:
 - (A) Identify the state goals, objectives, and implementing actions for environmental quality;
 - (B) Include a system for monitoring ecological, environmental, and social conditions and the effects on humans, animal life, and the environment for contaminants in the air, water, and land;

- (C) Define the roles and responsibilities of all affected agencies in carrying out environmental quality goals and objectives;
 - (D) Include an environmental emergency response plan which establishes a communication and information network and delineates the responsibilities of all affected agencies in the event of emergencies or crisis situations involving contaminants in the air, water, and land;
 - (E) Include programs for long-range implementation of environmental quality control; and
 - (F) Include a public education strategy to develop environmental consciousness in this State;
- (3) Assure the preservation and enhancement of natural beauty and artificial scenic qualities;
 - (4) Provide for the prevention and abatement of all water, land, and air pollution through the regulation of the storage, and handling, of solids, liquids, and gases which may cause or contribute to pollution;
 - (5) Establish a groundwater quality monitoring network designed to detect or predict contamination of the groundwater resources of the State;
 - (6) Provide and recommend methods for the recovery, recycling, and reuse or, where recycling and reuse are not possible, the disposal of solid wastes, including domestic and industrial refuse, litter, and debris consistent with sound health, scenic, environmental quality, and land use practices;
 - (7) Formulate guides for measuring presently unquantified environmental values and relationships so they may be given appropriate consideration along with social, economic, and technical considerations in decision-making;
 - (8) Perform environmental impact statement review functions as prescribed under chapter 343;
 - (9) Encourage and undertake scientific investigations and research on the ecological process, pollution prevention and abatement, recycling and reuse of resources, environmental epidemiology, and other areas essential to achieving the State's environmental policy;
 - (10) Coordinate with the university and other agencies conducting environmental research to avoid unnecessary duplication and to ensure that the State's environmental quality research needs are being met;
 - (11) Assess new and changing technology and development patterns to identify long-range implications for the environment and encourage alternatives which minimize adverse impact;
 - (12) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems and to warn of emergency conditions;
 - (13) Conduct laboratory analyses to meet the monitoring and enforcement requirements of environmental protection programs;
 - (14) Encourage activities consistent with this chapter by advising and assisting local governments, institutions, industries, and individuals;
 - (15) Undertake an extensive public information and education program to inform and involve public and private organizations and groups and the general public in the commitment to the principles and practices of environmental protection and develop programs for the teaching by others of such principles and practices;

- (16) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with any law or rule under this Act;
- (17) Conduct investigations, hold hearings, and compel the attendance of witnesses and the production of accounts and books;
- (18) Establish a dual permit system with the department of health for those activities which require both an environmental and health perspective;
- (19) Establish an environmental legal enforcement team to enforce current laws and write rules for the department; and
- (20) Establish an environmental data system which can correlate locations of pollution with the locations of work, residence, and recreation of people of the State who are affected by environmentally-influenced illnesses.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval and shall be repealed on July 1, 1992, in the event that the legislature fails to enact a bill establishing the powers, duties, and other provisions of the department of environmental protection during the Regular Session of 1992.

(Approved June 20, 1991.)