

ACT 152

H.B. NO. 1318

A Bill for an Act Relating to Sustainability.

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

SECTION 1. The legislature finds that achieving an abundant and sustainable future for Hawaii will require re-envisioning the State's institutional framework to better integrate sustainability principles into the organizational structure of state government, especially in planning, land use, environmental, and economic development programs.

Improved collaboration of state agencies is necessary to achieve the State's sustainability and climate goals and statutory targets. The legislature further finds that improved integration of land use planning and environmental policy decision-making will enhance state government agencies' ability to implement climate change adaptation measures to address sea level rise and more frequent and intense storm events, increase clean energy production, and reduce greenhouse gas emissions.

Therefore, the legislature also finds that it is in the public interest to consolidate various government land use functions of different agencies into a new structure under the office of planning in an effort to place all key decision-making and regulatory responsibility surrounding land use planning and permitting under one structure.

The purpose of this Act is to transfer the purpose, functions, and duties of the office of environmental quality control and environmental council to the office of planning to improve the coordination of these related planning functions so state government can work more efficiently to achieve the State's long-term environmental quality goals for a more abundant future for the people of Hawaii.

SECTION 2. Chapter 341, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to be appropriately designated and to read:
“§341- Environmental advisory council; established. (a) There is created an environmental advisory council not to exceed fifteen members. Members of the environmental advisory council shall be appointed by the governor as provided in section 26-34. The environmental advisory council shall be established within the office of planning for administrative purposes. The term of each member shall be four years. Vacancies shall be filled for the remainder of any unexpired term in the same manner as original appointments. The environmental advisory council chairperson shall be elected by the council from among the appointed members of the council.

(b) Members shall be appointed to ensure a broad and balanced representation of educational, business, and environmentally pertinent disciplines and professions, such as the natural and social sciences, the humanities, architecture, engineering, environmental consulting, public health, and planning; educational and research institutions with environmental competence; agriculture, real

estate, visitor industry, construction, and media; and voluntary community and environmental groups. The members of the environmental advisory council shall serve without compensation but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the discharge of their duties.”

2. By amending its title to read:

~~“~~**CHAPTER 341**~~”~~
ENVIRONMENTAL [QUALITY CONTROL] ADVISORY COUNCIL”

SECTION 3. Section 10-41, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The training required by this part shall apply to members of the land use commission, board of land and natural resources, commission on water resource management, environmental advisory council, board of directors of the agribusiness development corporation, board of agriculture, legacy land conservation commission, natural area reserves system commission, and Hawaii historic places review board.”

SECTION 4. Section 128E-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The commission shall consist of the following members, who shall be appointed by the governor as provided in section 26-34:

- (1) The director of health;
- (2) The chairperson of the board of agriculture;
- (3) The adjutant general;
- (4) The director of labor and industrial relations;
- (5) The chairperson of the board of land and natural resources;
- (6) The director of the office of ~~[environmental quality control;]~~ planning;
- (7) The director of business, economic development, and tourism;
- (8) The director of transportation;
- (9) The dean of the University of Hawaii school of public health or the dean of the University of Hawaii school of medicine, as determined by the governor;
- ~~[(10) The director of the environmental center of the University of Hawaii;~~
- ~~[(11) One representative from each committee designated by the mayor of each respective county; and~~
- ~~[(12) (11) Other persons appointed by the governor to meet the minimum requirements of the Emergency Planning and Community Right-to-Know Act of 1986.”~~

SECTION 5. Section 150A-10, Hawaii Revised Statutes, is amended to read as follows:

“**§150A-10 Advisory committee on plants and animals.** There shall be an advisory committee on plants and animals composed of the chairperson of the board or the chairperson’s representative who shall be chairperson of the committee, the chairperson of the board of land and natural resources, the director of the office of ~~[environmental quality control;]~~ planning, and the director of ~~[department of]~~ health, or their designees, and five other members, with expertise in plants, animals, or microorganisms, and who, by virtue of their vocation or avocation, also are thoroughly conversant with modern ecological principles and the variety of problems involved in the adequate protection of ~~[our]~~ the State’s natural resources. The latter five members shall be chosen by the chairperson. The committee shall advise and assist the department in developing

or revising laws and regulations to carry out and effectuate the purposes of this chapter and in advising the department in problems relating to the introduction, confinement, or release of plants, animals, and microorganisms.

The chairperson may create ad hoc or permanent subcommittees, as needed.”

SECTION 6. Section 195D-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department may enter into a planning process with any landowner for the purpose of preparing and implementing a habitat conservation plan. An agreement may include multiple landowners. Applications to enter into a planning process shall identify:

- (1) The geographic area encompassed by the plan;
- (2) The ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan;
- (3) The endangered, threatened, proposed, and candidate species known or reasonably expected to occur in the ecosystems, natural communities, or habitat types in the plan area;
- (4) The measures or actions to be undertaken to protect, maintain, restore, or enhance those ecosystems, natural communities, or habitat types within the plan area;
- (5) A schedule for implementation of the proposed measures and actions; and
- (6) An adequate funding source to ensure that the proposed measures and actions are undertaken in accordance with the schedule.

After a habitat conservation plan is prepared, the board shall notify the public of the proposed habitat conservation plan through the periodic bulletin of the office of ~~[environmental quality control]~~ planning and make the proposed plan and the application available for public review and comment not less than sixty days prior to approval. The notice shall include~~[-]~~ but not be limited to~~[-]~~ identification of the area encompassed by the plan, the proposed activity, and the ecosystems, natural communities, and habitat types within the plan area. The notice shall solicit public input and relevant data.”

SECTION 7. Section 225M-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The office of planning shall gather, analyze, and provide information to the governor to assist in the overall analysis and formulation of state policies and strategies to provide central direction and cohesion in the allocation of resources and effectuation of state activities and programs and effectively address current or emerging issues and opportunities. More specifically, the office shall engage in the following activities:

- (1) State comprehensive planning and program coordination. Formulating and articulating comprehensive statewide goals, objectives, policies, and priorities, and coordinating their implementation through the statewide planning system established in part II of chapter 226;
- (2) Strategic planning. Identifying and analyzing significant issues, problems, and opportunities confronting the State, and formulating strategies and alternative courses of action in response to identified problems and opportunities by:
 - (A) Providing in-depth policy research, analysis, and recommendations on existing or potential areas of critical state concern;

- (B) Examining and evaluating the effectiveness of state programs in implementing state policies and priorities;
 - (C) Monitoring through surveys, environmental scanning, and other techniques—current social, economic, and physical conditions and trends; and
 - (D) Developing, in collaboration with affected public or private agencies and organizations, implementation plans and schedules and, where appropriate, assisting in the mobilization of resources to meet identified needs;
- (3) Planning coordination and cooperation. Facilitating coordinated and cooperative planning and policy development and implementation activities among state agencies and between the state, county, and federal governments, by:
- (A) Reviewing, assessing, and coordinating, as necessary, major plans, programs, projects, and regulatory activities existing or proposed by state and county agencies;
 - (B) Formulating mechanisms to simplify, streamline, or coordinate interagency development and regulatory processes; and
 - (C) Recognizing the presence of federal defense and security forces and agencies in the State as important state concerns;
- (4) Statewide planning and geographic information system. Collecting, integrating, analyzing, maintaining, and disseminating various forms of data and information, including geospatial data and information, to further effective state planning, policy analysis and development, and delivery of government services by:
- (A) Collecting, assembling, organizing, evaluating, and classifying existing geospatial and non-geospatial data and performing necessary basic research, conversions, and integration to provide a common database for governmental planning and geospatial analyses by state agencies;
 - (B) Planning, coordinating, and maintaining a comprehensive, shared statewide planning and geographic information system and associated geospatial database. The office shall be the lead agency responsible for coordinating the maintenance of the multi-agency, statewide planning and geographic information system and coordinating, collecting, integrating, and disseminating geospatial data sets that are used to support a variety of state agency applications and other spatial data analyses to enhance decision-making. The office shall promote and encourage free and open data sharing among and between all government agencies. To ensure the maintenance of a comprehensive, accurate, up-to-date geospatial data resource that can be drawn upon for decision-making related to essential public policy issues such as land use planning, resource management, homeland security, and the overall health, safety, and well-being of Hawaii's citizens, and to avoid redundant data development efforts, state agencies shall provide to the shared system either their respective geospatial databases or, at a minimum, especially in cases of secure or confidential data sets that cannot be shared or must be restricted, metadata describing existing geospatial data. In cases where agencies provide restricted data, the office of planning shall ensure the security of that data; and

- (C) Maintaining a centralized depository of state and national planning references;
- (5) Land use planning. Developing and presenting the position of the State in all boundary change petitions and proceedings before the land use commission, assisting state agencies in the development and submittal of petitions for land use district boundary amendments, and conducting periodic reviews of the classification and districting of all lands in the State, as specified in chapter 205;
- (6) Coastal and ocean policy management, and sea level rise adaptation coordination. Carrying out the lead agency responsibilities for the Hawaii coastal zone management program, as specified in chapter 205A. Also:
 - (A) Developing and maintaining an ocean and coastal resources information, planning, and management system;
 - (B) Further developing and coordinating implementation of the ocean resources management plan; and
 - (C) Formulating ocean policies with respect to the exclusive economic zone, coral reefs, and national marine sanctuaries;
- (7) Regional planning and studies. Conducting plans and studies to determine:
 - (A) The capability of various regions within the State to support projected increases in both resident populations and visitors;
 - (B) The potential physical, social, economic, and environmental impact on these regions resulting from increases in both resident populations and visitors;
 - (C) The maximum annual visitor carrying capacity for the State by region, county, and island; and
 - (D) The appropriate guidance and management of selected regions and areas of statewide critical concern.

The studies in subparagraphs (A) to (C) shall be conducted at appropriate intervals, but not less than once every five years;
- (8) Regional, national, and international planning. Participating in and ensuring that state plans, policies, and objectives are consistent, to the extent practicable, with regional, national, and international planning efforts;
- (9) Climate adaptation and sustainability planning and coordination. Conducting plans and studies and preparing reports as follows:
 - (A) Develop, monitor, and evaluate strategic climate adaptation plans and actionable policy recommendations for the State and counties addressing expected statewide climate change impacts identified under chapter 225P and sections 226-108 and 226-109; and
 - (B) Provide planning and policy guidance and assistance to state and county agencies regarding climate change and sustainability; ~~and~~
- (10) Smart growth and transit-oriented development. Acting as the lead agency to coordinate and advance smart growth and transit-oriented development planning within the State as follows:
 - (A) Identify transit-oriented development opportunities shared between state and county agencies, including relevant initiatives such as the department of health's healthy Hawaii initiative and the Hawaii clean energy initiative;

- (B) Refine the definition of “transit-oriented development” in the context of Hawaii, while recognizing the potential for smart growth development patterns in all locations;
 - (C) Clarify state goals for transit-oriented development and smart growth that support the principles of the Hawaii State Planning Act by preserving non-urbanized land, improving worker access to jobs, and reducing fuel consumption;
 - (D) Target transit-oriented development areas for significant increase in affordable housing and rental units;
 - (E) Conduct outreach to state agencies to help educate state employees about the ways they can support and benefit from transit-oriented development and the State’s smart growth goals;
 - (F) Publicize coordinated state efforts that support smart growth, walkable neighborhoods, and transit-oriented development;
 - (G) Review state land use decision-making processes to identify ways to make transit-oriented development a higher priority and facilitate better and more proactive leadership in creating walkable communities and employment districts, even if transit will only be provided at a later date; and
 - (H) Approve all state agencies’ development plans for parcels along the rail transit corridor. For the purposes of this subparagraph, “development plans” means conceptual land use plans that identify the location and planned uses within a defined area[-]; and
- (11) Environmental review. Performing duties set forth under chapter 343, serving the governor in an advisory capacity on all matters relating to environmental review, and having such powers delegated by the governor as are necessary to coordinate and, when requested by the governor, direct all state governmental agencies in matters concerning environmental quality control, including:
- (A) Advising and assisting private industries, government department and agencies, and other persons on the requirements of chapter 343; and
 - (B) Conducting public education programs on environmental quality control;
- provided that the office shall adopt rules in accordance with chapter 91 to implement this paragraph.”

SECTION 8. Section 225P-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The membership of the greenhouse gas sequestration task force shall be as follows:

- (1) The director of the office of planning or the director’s designee, who shall serve as chairperson;
- (2) The chairperson of the board of agriculture or the chairperson’s designee;
- (3) The chairperson of the board of land and natural resources or the chairperson’s designee;
- (4) The director of transportation or the director’s designee;
- (5) The deputy director of the department of health’s environmental health administration or the deputy director’s designee;
- (6) The ~~[director of the office of environmental quality control or the director’s designee;]~~ state sustainability coordinator;

- (7) The director of the environmental law program at the University of Hawaii at Manoa William S. Richardson school of law;
- (8) The administrator of the division of forestry and wildlife within the department of land and natural resources or the administrator's designee;
- (9) One member who is also a member of the climate change mitigation and adaptation commission;
- (10) One researcher from the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (11) One extension agent from the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (12) Four members, one each to be appointed by the respective mayors of the city and county of Honolulu, and the counties of Hawaii, Kauai, and Maui; and
- (13) Four members to be jointly selected and invited to participate by the president of the senate and the speaker of the house of representatives, of which two members shall be selected from an environmental nonprofit organization, and two members shall be selected from an agricultural or ranching association.

Task force members may recommend to the task force additional members with appropriate specialized expertise, subject to approval by the chairperson."

SECTION 9. Section 279A-4, Hawaii Revised Statutes, is amended to read as follows:

“§279A-4 Statewide transportation council; establishment. To assist and advise the [state] department of transportation in the development of the statewide transportation plan there is hereby established a statewide transportation council consisting of [fourteen] thirteen members. The members of the council shall be the [~~directors of the state department~~] director of transportation[~~, the state department~~]; director of business, economic development, and tourism[~~, the state department~~]; director of health[~~, the state office of environmental quality control, and the~~]; director of the office of planning[~~, the~~]; chairperson of the board of agriculture[~~, the~~]; planning directors of each of the four counties[~~;~~]; and [the] transportation directors of each of the four counties. The members may be represented at council meetings by their designated alternates. The director of the state department of transportation shall submit recommendations to the council for additional ex officio[~~], [~~] nonvoting members who, upon the majority vote of the council, shall be invited to serve.

The department of transportation shall furnish staff support to the council; such staff may be exempt from chapter 76. The director of transportation shall be the chairperson of the council. All decisions of the council shall be by majority vote unless otherwise provided.”

SECTION 10. Section 341-2, Hawaii Revised Statutes, is amended as follows:

1. By amending the definitions of “council”, “director”, and “office” to read:

““Council” means the environmental advisory council established in [section 341-3(e)] this chapter.

“Director” means the director of [~~environmental quality control~~] the office of planning.

“Office” means the office of [~~environmental quality control established in section 341-3(a)~~] planning.”

2. By repealing the definition of “center”.

[“Center” means the University of Hawaii environmental center established in section [304A-1551].”]

3. By repealing the definition of “university”.
[“University” means the University of Hawaii.”]

SECTION 11. Section 341-6, Hawaii Revised Statutes, is amended to read as follows:

“**§341-6 Functions of the environmental advisory council.** The environmental advisory council shall serve as a liaison between the [~~director~~] office of planning and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality through public hearings or any other means and by publicizing such matters as requested by the director pursuant to section 341-4(b)(3). The environmental advisory council may make recommendations concerning ecology and environmental quality to the [~~director~~] office of planning and shall meet at the call of the council chairperson or the director of the office of planning upon notifying the council chairperson. The environmental advisory council shall monitor the progress of state, county, and federal agencies in achieving the State’s environmental goals and policies and [~~with the assistance of the director shall make an annual report with recommendations for improvement to the governor, the legislature, and the public no later than January 31 of each year.~~] shall submit its report and recommendations for improvements concerning ecology and environmental quality to the office of planning, which shall include the report and recommendations in its annual report to the legislature. All state and county agencies shall cooperate with the council [and assist in the preparation of such a report] by responding¹ to its requests for information [made by the council. The council may delegate to any person such power or authority vested in the council as it deems reasonable and proper for the effective administration of this section and chapter 343, except the power to make, amend, or repeal rules].””

SECTION 12. Section 343-2, Hawaii Revised Statutes, is amended as follows:

1. By inserting a new definition to be appropriately inserted and to read:

““Director” means the director of the office of planning.”

2. By amending the definition of “council” to read:

““Council” means the environmental advisory council.”

3. By amending the definition of “office” to read:

““Office” means the office of [~~environmental quality control.~~] planning.”

SECTION 13. Section 343-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Whenever an applicant proposes an action specified by subsection (a) that requires approval of an agency and that is not a specific type of action declared exempt under section 343-6, the agency initially receiving and agreeing to process the request for approval shall require the applicant to prepare an environmental assessment of the proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required; provided that if the agency determines, through its judgment and experience, that an environmental impact statement is likely to be required, the agency may authorize the applicant to choose not to prepare an environmental assessment and instead prepare an environmental impact statement that begins with the preparation of an environmental impact statement preparation notice as provided by

rules. The final approving agency for the request for approval is not required to be the accepting authority.

For environmental assessments for which a finding of no significant impact is anticipated:

- (1) A draft environmental assessment shall be made available for public review and comment for a period of thirty days;
- (2) The office shall inform the public of the availability of the draft environmental assessment for public review and comment pursuant to section 343-3; and
- (3) The applicant shall respond in writing to comments received during the review and the applicant shall prepare a final environmental assessment to determine whether an environmental impact statement shall be required. A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment. The agency shall file notice of the agency's determination with the office, which, in turn, shall publish the agency's determination for the public's information pursuant to section 343-3.

The draft and final statements, if required, shall be prepared by the applicant, who shall file these statements with the office.

The draft statement shall be made available for public review and comment through the office for a period of forty-five days. The office shall inform the public of the availability of the draft statement for public review and comment pursuant to section 343-3.

The applicant shall respond in writing to comments received during the review and prepare a final statement. The office, when requested by the applicant or agency, may make a recommendation as to the acceptability of the final statement.

The authority to accept a final statement shall rest with the agency initially receiving and agreeing to process the request for approval. The final decision-making body or approving agency for the request for approval is not required to be the accepting authority. The planning department for the county in which the proposed action will occur shall be a permissible accepting authority for the final statement.

Acceptance of a required final statement shall be a condition precedent to approval of the request and commencement of the proposed action. Upon acceptance or nonacceptance of the final statement, the agency shall file notice of the determination with the office. The office, in turn, shall publish the determination of acceptance or nonacceptance of the final statement pursuant to section 343-3.

The agency receiving the request, within thirty days of receipt of the final statement, shall notify the applicant and the office of the acceptance or nonacceptance of the final statement. The final statement shall be deemed to be accepted if the agency fails to accept or not accept the final statement within thirty days after receipt of the final statement; provided that the thirty-day period may be extended at the request of the applicant for a period not to exceed fifteen days.

In any acceptance or nonacceptance, the agency shall provide the applicant with the specific findings and reasons for its determination. ~~[An applicant, within sixty days after nonacceptance of a final statement by an agency, may appeal the nonacceptance to the environmental council, which, within thirty days of receipt of the appeal, shall notify the applicant of the council's determination. In any affirmation or reversal of an appealed nonacceptance, the council shall provide the applicant and agency with specific findings and reasons for its determination. The agency shall abide by the council's decision.]~~

SECTION 14. Section 343-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) After consultation with the affected agencies~~[-]~~ and the environmental advisory council, the ~~[council]~~ office of planning shall adopt, amend, or repeal necessary rules for the purposes of this chapter in accordance with chapter 91 including~~[-]~~ but not limited to~~[-]~~ rules that shall:

- (1) Prescribe the procedures whereby a group of proposed actions may be treated by a single environmental assessment or statement;
- (2) Establish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an environmental assessment;
- (3) Prescribe procedures for the preparation of an environmental assessment;
- (4) Prescribe the contents of an environmental assessment;
- (5) Prescribe procedures for informing the public of determinations that a statement is either required or not required, for informing the public of the availability of draft environmental impact statements for review and comments, and for informing the public of the acceptance or nonacceptance of the final environmental statement;
- (6) Prescribe the contents of an environmental impact statement;
- (7) Prescribe procedures for the submission, distribution, review, acceptance or nonacceptance, and withdrawal of an environmental impact statement; and
- (8) Establish criteria to determine whether an environmental impact statement is acceptable or not~~[-]; and~~
- (9) ~~Prescribe procedures to appeal the nonacceptance of an environmental impact statement to the environmental council].”~~

SECTION 15. Section 343-7, Hawaii Revised Statutes, is amended to read as follows:

“**§343-7 Limitation of actions.** (a) Any judicial proceeding, the subject of which is the lack of assessment required under section 343-5, shall be initiated within one hundred twenty days of the agency’s decision to carry out or approve the action, or, if a proposed action is undertaken without a formal determination by the agency that a statement is or is not required, a judicial proceeding shall be instituted within one hundred twenty days after the proposed action is started. The ~~[council or]~~ office, any agency responsible for approval of the action, or the applicant shall be adjudged an aggrieved party for the purposes of bringing judicial action under this subsection. Others, by environmental court action, may be adjudged aggrieved.

(b) Any judicial proceeding, the subject of which is the determination that a statement is required for a proposed action, shall be initiated within sixty days after the public has been informed of such determination pursuant to section 343-3. Any judicial proceeding, the subject of which is the determination that a statement is not required for a proposed action, shall be initiated within thirty days after the public has been informed of such determination pursuant to section 343-3. The ~~[council or the]~~ applicant shall be adjudged an aggrieved party for the purposes of bringing judicial action under this subsection. Others, by environmental court action, may be adjudged aggrieved.

(c) Any judicial proceeding, the subject of which is the acceptance or nonacceptance of an environmental impact statement required under section 343-5, shall be initiated within sixty days after the public has been informed pursuant to section 343-3 of the acceptance or nonacceptance of such statement.

~~[The council shall be adjudged an aggrieved party for the purpose of bringing judicial action under this subsection.]~~ Affected agencies and persons who provided written comment to ~~[such]~~ an accepted statement during the designated review period shall be adjudged aggrieved parties for the purpose of bringing judicial action under this subsection; provided that for aggrieved parties, the contestable issues shall be limited to issues identified and discussed in the written comment~~[-]~~, and for applicants bringing judicial action under this section on the nonacceptance of a statement, the contestable issues shall be limited to those issues identified by the accepting authority as the basis for nonacceptance of the statement.”

SECTION 16. Sections 128D-31, 186-3, 195D-4, 195D-22, 195D-24, 205A-30, 205A-42, 501-33, and 669-1 are amended by substituting the word “planning” wherever the term “environmental quality control” appears, as the context requires.

SECTION 17. Subpart G of part IV of chapter 304A, Hawaii Revised Statutes, is repealed.

SECTION 18. Section 341-3, Hawaii Revised Statutes, is repealed.

SECTION 19. Section 341-4, Hawaii Revised Statutes, is repealed.

SECTION 20. All rights, powers, functions, and duties of the office of environmental quality control are transferred to the office of planning.

SECTION 21. All rules, policies, procedures, guidelines, and other material adopted or developed by the department of health, environmental council, or office of environmental quality control to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the office of planning by this Act shall remain in full force and effect until amended or repealed by the office of planning pursuant to chapter 91, Hawaii Revised Statutes.

In the interim, every reference to the department of health, environmental council, office of environmental quality control, director of health, or director of the office of environmental quality control in those rules, policies, procedures, guidelines, and other material shall refer to the office of planning, director of the office of planning, environmental advisory council, or chairperson of the environmental advisory council, as appropriate.

SECTION 22. All individuals currently employed at the office of environmental quality control are transferred to the office of planning.

Each employee impacted by this Act who occupies a civil service position shall retain their civil service status, whether permanent or temporary. Each employee shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service may retain the employee’s exempt status after the transfer in this Act, but shall not be appointed to a civil service position as a consequence of this Act. Any exempt

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employee that 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 privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The director of the office of planning may prescribe the duties and qualifications of these employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

SECTION 23. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of environmental quality control relating to the functions transferred to the office of planning shall be transferred with the functions to which they relate.

SECTION 24. The members serving on the environmental council as of the effective date of this Act shall continue to serve for the remainder of their respective terms as initial members of the environmental advisory council established by section 341- , Hawaii Revised Statutes, in section 2 of this Act. As vacancies occur on the environmental advisory council, the vacancies shall be filled in accordance with section 341- , Hawaii Revised Statutes, established by section 2 of this Act.

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

SECTION 26. This Act shall take effect on July 1, 2021.

(Approved July 1, 2021.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.