



# University of Hawai'i at Mānoa

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## HB 3531 H.D. 2 RELATING TO HEALTH

House Committee on Finance

Public Hearing - February 26, 1998  
3:00P.M., Room 312 State Capitol

By

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HB 3531 H.D. 2 would transfer the functions of the Office of Environmental Quality Control (OEQC) to the Office of Planning (OP) in the Department of Business, Economic Development and Tourism (DBEDT); would amend Chapters 128D, 340E, 342B, 342D, and 342G HRS to provide for strict legislative oversight of the all environmentally-related revolving funds; and would amend Chapter 344 HRS to establish a State policy which prioritizes economic interests in the implementation of any environmental protective or regulatory State action.

Our statement on this measure is compiled from voluntarily submitted opinions of the listed academic reviewers, and as such, does not constitute an institutional position of the University of Hawaii.

This measure constitutes one of the most appalling examples of flawed understanding and wrong thinking that we have encountered in our aggregate 50 years of legislative review. On grounds of both erroneous premises and breach of legislative procedure, HB 3531 H.D. 2 is inappropriate and unwarranted. Here are the most egregious of the misconceptions of the bill:

**There is a fundamental flaw in the premise that present environmental management is outdated and predominantly a matter of reactive crisis management and not forward looking or preventative (p.3, line 9 - p.4, line 7.)**

**The premise that environmental revolving funds are mismanaged and can better be used under strict legislative oversight is fundamentally flawed (p.2, lines 2 - 12).**

**There is a basic flaw in the premise that the private sector is better suited to undertake and pay for environmental protection than is the government (p.7, line15 - p.8, line 6).**

**The measure is flawed in the premise that the principle of State sovereignty mandates that the State may dictate to the federal government where and how federal funds are to be spent (p.8, line 12 - p.10 line 10).**

**The premise that what is good for the economy is good for the environment is ridiculous (Section 2, p.10 line 22 - p. 14 line 14).**

We also note that this bill is tainted by failure to abide by the deliberative legislative process by which substantive issues are to be publicly debated in subject-matter committees prior to their presentation to finance or ways and means.

In addition to the errors in premise, this measure is full of errors in fact. The OEQC was never a part of the Office of Planning as claimed on page 1, line 19. Revolving funds, and in particular that created under Chapter 128D, are not solely tied to "present program needs" (p.2, line 15), but are intended to support both present and future preventative and emergency response actions.

Finally, the underlying failure of understanding that this bill demonstrates is patently illustrated by the assignment of the Director of DBEDT to the functional role of the Governor's advisor for all environmental matters (p.19, lines7 - 8). To establish the Director of DBEDT as the State's principle environmental advocate and overseer constitutes a blatant conflict of interest.