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HB 166
RELATING TO DECLARATORY ORDERS

Statement for
House Committee on
Planning, Energy and Environmental Protection
Public Hearing - February 23, 1989

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HB 166 would amend HRS Chapter 343 by adding a new section to clarify that the Environmental Council can issue a declaratory order as to whether and when an environmental assessment and notice of determination are or are not required.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

We strongly support the language and intent of HB 166. Under HRS Chapter 91, the Environmental Council should have the statutory right to issue a declaratory ruling or order as to the applicability of any statutory provision or of any rule or order of the agency. However, based on recent experience whereby the Council has been advised by the Attorney Generals Office that it cannot respond to a a petition on the applicability of its rules, the proposed amendment is sorely needed. It should be noted that the Council formerly issued Declaratory rulings, when requested, and that the rules and procedures for such rulings are clearly stated in the Council rules (11-201-21). These rules were adopted and approved by then Governor George Ariyoshi and the Attorney Generals Office in November 25, 1985.