

---

---

# A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The legislature finds that not only is climate  
3 change real, but it is the overriding challenge of the 21st  
4 century and one of the priority issues of the senate. Climate  
5 change poses immediate and long-term threats to the State's  
6 economy, sustainability, security, and way of life. Hawai'i has  
7 a tradition of environmental leadership, having prioritized  
8 policies regarding conservation, reduction in greenhouse gas  
9 emissions, and development and use of alternative renewable  
10 energy. The legislature has passed numerous measures over the  
11 last decade to address climate change.

12 The legislature recognized in Act 234, Session Laws of  
13 Hawaii 2007, that "climate change poses a serious threat to the  
14 economic well-being, public health, natural resources, and the  
15 environment of Hawaii . . . " and that the "potential adverse  
16 effects of global warming include a rise in sea levels resulting  
17 in the displacement of businesses and residences and the



1 inundation of Hawaii's freshwater aquifers, damage to marine  
 2 ecosystems and the natural environment, extended drought and  
 3 loss of soil moisture, an increase in the spread of infectious  
 4 diseases, and an increase in the severity of storms and extreme  
 5 weather events." Countless scientific studies have concluded  
 6 that greenhouse gas emissions are a leading contributing factor  
 7 to global warming. The purpose of Act 234 was to achieve a  
 8 cost-effective statewide greenhouse gas emissions limit at or  
 9 below the State's greenhouse gas emissions estimates of 1990 by  
 10 2020. However, even if greenhouse gas emissions are reduced to  
 11 1990 levels, Hawai'i will still be significantly impacted by  
 12 climate change well into the future, thus the legislature  
 13 acknowledges that climate change requires a two-pronged approach  
 14 — reduction of activities that contribute to global warming and  
 15 adaptations to mitigate the impacts of climate change on the  
 16 State.

17 Act 73, Session Laws of Hawaii 2010, established the  
 18 environmental response, energy, and food security tax, otherwise  
 19 known as the barrel tax, to provide resources for addressing the  
 20 effects of climate change. Act 286, Session Law of Hawaii 2012,  
 21 amended the Hawaii State Planning Act to establish climate



1 change adaptation priority guidelines, which require that all  
2 county and state activities consider the impacts of climate  
3 change in land use, capital improvement, and program decisions.  
4 The legislature also finds that in 2013, President Barack Obama  
5 appointed former Governor Neil Abercrombie to serve on the  
6 President's Task Force on Climate Preparedness and Resilience to  
7 develop recommendations on how the federal government can better  
8 support state, local, and tribal efforts in climate mitigation,  
9 adaptation, and resilience in the areas of Disaster Management;  
10 Built Systems (water, transportation, energy, facilities, and  
11 coastal infrastructure); Natural Resources and Agriculture; and  
12 Community Development and Health. The Hawaii Climate Adaptation  
13 Initiative Act, Act 83, Session Laws of Hawaii 2014, established  
14 an Interagency Climate Adaptation Committee and authorized the  
15 Department of Land and Natural Resources and Office of Planning  
16 to create a Sea Level Rise Vulnerability and Adaption Report by  
17 December 2017. Act 83 further authorized the Office of Planning  
18 to coordinate development of statewide climate adaptation plans  
19 to address the effects of climate change through 2050 to protect  
20 the State's economy, health, environment, and way of life.



1           In September 2016, the International Union for the  
2 Conservation of Nature at the Hawaii World Conservation  
3 Conference adopted The Pacific Region Climate Resiliency Plan  
4 and the Aloha + Challenge Model for Sustainable Development  
5 Policy Motions to facilitate climate mitigation, adaption and  
6 resiliency efforts in the Pacific region.

7           The legislature further finds that on December 12, 2015,  
8 one hundred ninety-five countries at the 21<sup>st</sup> Conference of the  
9 Parties of the United Nations Framework Convention on Climate  
10 Change adopted an agreement addressing greenhouse gas emissions  
11 mitigation, adaptation, and finance starting in the year 2020,  
12 known as the Paris Agreement. Under the Agreement, the parties  
13 will set greenhouse gas reductions goals, record and communicate  
14 information through a transparency mechanism, and provide  
15 support to undeveloped countries through a finance mechanism.  
16 Specifically, the Paris Agreement aims to strengthen the global  
17 response to the threat of climate change, in the context of  
18 sustainable development and efforts to eradicate poverty,  
19 including by:

20           (1) Holding the increase in the global average temperature  
21           to well below 2 degrees Celsius above pre-industrial



1 levels and pursuing efforts to limit the temperature  
2 increase to 1.5 degrees Celsius above pre-industrial  
3 levels, recognizing that this would significantly  
4 reduce the risks and impacts of climate change;

5 (2) Increasing the ability to adapt to the adverse impacts  
6 of climate change and foster climate resilience and  
7 low greenhouse gas emissions development, in a manner  
8 that does not threaten food production; and

9 (3) Making finance flows consistent with a pathway toward  
10 low greenhouse gas emissions and climate-resilient  
11 development.

12 The Agreement will be implemented to reflect equity and the  
13 principle of common but differentiated responsibilities and  
14 respective capabilities, in light of different national  
15 circumstances. The Paris Agreement was adopted on November 4,  
16 2016, and is the largest concerted global effort to combat  
17 climate change to date. Regardless of federal action, the  
18 legislature supports the goals of the Paris Agreement to combat  
19 climate change and its effects on environments, economies, and  
20 communities around the world.



1           Therefore, the purpose of this part is to document the  
2 State's commitment to combat climate change by systematically  
3 reducing greenhouse gas emissions and improving our resiliency  
4 to climate change aligned with the principles and contributing  
5 to the goals set by the Paris Agreement.

6           The State recognizes that to promote a statewide response  
7 to climate change collaboration and cooperation is needed in:

- 8           (1) Early warning systems;
- 9           (2) Emergency preparedness;
- 10          (3) Slow onset events;
- 11          (4) Events that may involve irreversible and permanent  
12             loss and damage;
- 13          (5) Comprehensive risk assessment and management;
- 14          (6) Risk insurance facilities, climate risk pooling, and  
15             other insurance solutions;
- 16          (7) Non-economic losses; and
- 17          (8) Resilience of communities, livelihoods, and  
18             ecosystems.

19          SECTION 2. (a) The State shall expand strategies and  
20 mechanisms to reduce the greenhouse gas emissions statewide  
21 through the reduction of energy use, adoption of renewable



1 energy, and control of air pollution among all agencies,  
2 departments, industries, and sectors, including transportation.  
3 Such strategies and mechanisms shall utilize the best available  
4 science, technologies, and policies to reduce greenhouse gas  
5 emissions and shall be closely aligned with the climate change  
6 principles and goals adopted in the Paris Agreement and Hawaii's  
7 share of obligations within the expectations apportioned to the  
8 United States in the Paris Agreement, regardless of federal  
9 action.

10 (b) The State shall strive to formulate and communicate  
11 long-term low greenhouse gas emission development strategies and  
12 shall take actions to conserve and enhance long-term sinks and  
13 reservoirs of greenhouse gases, by prioritizing the development  
14 of parks, greenways, and restoration of native upland and  
15 coastal forests and wetlands.

16 PART II

17 SECTION 3. Chapter 225P, Hawaii Revised Statutes, is  
18 amended by amending the title of the chapter to read as follows:

19 "HAWAII CLIMATE ADAPTATION INITIATIVE"

20 SECTION 4. Section 225P-2, Hawaii Revised Statutes, is  
21 amended as follows:



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

3 "Commission" means the Hawaii climate commission."

4 2. By repealing the definition of "committee".

5 [~~"Committee" means the interagency climate adaptation~~  
6 ~~committee."~~]

7 SECTION 5. Section 225P-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+] §225P-3 [+] [~~Interagency climate adaptation committee,~~]

10 Hawaii climate commission; general functions, duties, and

11 powers. (a) There is established [~~an interagency climate~~  
12 ~~adaptation committee~~] the Hawaii climate commission that shall  
13 be placed within the department of land and natural resources  
14 for administrative purposes only.

15 (b) Coordination of the [~~committee~~] commission shall be  
16 headed jointly by the chairperson of the board of land and  
17 natural resources, or the chairperson's designee, and the  
18 director of the office of planning, or the director's designee.

19 [~~Among the various potential impacts of climate change, the~~  
20 ~~committee shall, as a first step, focus on and develop sea level~~  
21 ~~rise vulnerability and adaptation reports that shall include:~~





- 1        ~~(1) Identification of the major areas of sea level rise~~
- 2            ~~impacts affecting the State and counties through 2050;~~
- 3        ~~(2) Identification of expected impacts of sea level rise~~
- 4            ~~based on the latest scientific research for each area~~
- 5            ~~through 2050;~~
- 6        ~~(3) Identification of the economic ramifications of sea~~
- 7            ~~level rise;~~
- 8        ~~(4) Identification of applicable federal laws, policies,~~
- 9            ~~or programs that impact affected areas; and~~
- 10        ~~(5) Recommendations for planning, management, and~~
- 11            ~~adaptation for hazards associated with increasing sea~~
- 12            ~~level rise.~~

13 ~~The report shall be made publicly available no later than~~  
 14 ~~December 31, 2017.]~~

15        [+](c)[+] The [eommittee] commission shall include the  
 16 following members:

- 17        (1) The chairs of the standing committees of the
- 18            legislature with subject matter jurisdiction
- 19            encompassing environmental protection and land use;



- 1           (2) The chairperson of the board of land and natural  
2           resources or the chairperson's designee, who shall be  
3           the co-chair of the [~~committee~~] commission;
- 4           (3) The director of the office of planning or the  
5           director's designee, who shall be the co-chair of the  
6           [~~committee~~] commission;
- 7           (4) The director of business, economic development, and  
8           tourism or the director's designee;
- 9           (5) The chairperson of the board of directors of the  
10          Hawaii tourism authority or the chairperson's  
11          designee;
- 12          (6) The chairperson of the board of agriculture or the  
13          chairperson's designee;
- 14          (7) The chief executive officer of the office of Hawaiian  
15          affairs or the officer's designee;
- 16          (8) The chairperson of the Hawaiian homes commission or  
17          the chairperson's designee;
- 18          (9) The director of transportation or the director's  
19          designee;
- 20          (10) The director of health or the director's designee;



- 1 (11) The adjutant general or the adjutant general's
- 2 designee;
- 3 (12) The chairperson of the board of education or the
- 4 chairperson's designee;
- 5 (13) The directors of each of the county planning
- 6 departments, or the directors' designees; and
- 7 (14) The manager of the coastal zone management program.

8 ~~[(d)]~~ In addition to the members listed in subsection  
 9 (c), the chairs of the ~~[committee]~~ commission may request the  
 10 participation or input of members of the public; experts in the  
 11 field; and county, state, or federal officials ~~[necessary for~~  
 12 ~~the formulation of the report.]~~ or others as necessary.

13 ~~[(e)]~~ ~~In developing the report, the committee shall:~~

- 14 ~~(1) Solicit public views and concerns; and~~
- 15 ~~(2) Coordinate with the various county, state, and federal~~
- 16 ~~agencies involved in ongoing climate change adaptation~~
- 17 ~~planning initiatives.~~

18 ~~[(f)]~~ ~~The committee shall reevaluate and update the sea~~  
 19 ~~level rise vulnerability and adaptation report every five~~  
 20 ~~years.]~~



1       ~~[(g)]~~ (e) The members of the ~~[committee]~~ commission  
2 shall serve without pay but shall be reimbursed for their actual  
3 and necessary expenses, including travel expenses, incurred in  
4 carrying out their duties.

5       (f) The commission shall provide policy direction,  
6 facilitation, coordination, and planning among state and county  
7 agencies, federal agencies, and other partners as appropriate.

8       (g) The commission shall establish climate change  
9 mitigation and adaptation strategies and goals to help guide  
10 planning and implementation statewide using the latest  
11 scientific analysis and risk assessment to monitor and forecast  
12 climate change related impacts at the regional, state, and local  
13 level, including any additional information deemed necessary.

14       (h) The commission shall identify vulnerable people,  
15 communities, industries, ecosystems, and the potential economic  
16 ramifications for climate change related impacts.

17       (i) The commission shall identify existing climate change  
18 adaptation and mitigation efforts at the federal, state and  
19 local levels and make recommendations for how to meet or exceed  
20 Hawaii's state mitigation goals in section 225P-1, and shall



1 adopt a liberal approach in preparation, so as to minimize  
2 future risk to the people and environment of Hawaii.

3 (j) The commission shall assess the capacity and  
4 availability of existing resources and identify new sources of  
5 revenue necessary to address climate change mitigation and  
6 adaptation and achieve the goals of section 225P-1, and shall  
7 advise the governor, legislature, and counties on the economic  
8 and budgetary ramifications of climate impacts, mitigation, and  
9 adaptation.

10 (k) The commission shall identify the information  
11 necessary to track progress in implementing mitigation and  
12 adaptation efforts in meeting the goals of section 225P-1 and  
13 shall submit an annual report to the governor and legislature no  
14 later than twenty days prior to the convening of each regular  
15 session of the legislature.

16 (l) The commission shall maintain a website that includes  
17 a mission statement as well as access to climate change related  
18 actions, plans, policies and results.

19 (m) The commission shall conduct a comprehensive review of  
20 the implementation as required by this section toward achieving  
21 the goals in section 225P-1 and submit a report to the governor,



1 legislature, and the counties no later than twenty days prior to  
2 the convening of the regular session of 2023 and every five  
3 years thereafter.

4 (n) The commission shall, as a first step, focus on and  
5 develop sea level rise vulnerability and adaptation reports that  
6 shall include:

7 (1) Identification of the major areas of sea level rise  
8 impacts affecting the State and counties through 2050;

9 (2) Identification of expected impacts of sea level rise  
10 based on the latest scientific research for each area  
11 through 2050;

12 (3) Identification of the economic ramifications of sea  
13 level rise;

14 (4) Identification of applicable federal laws, policies,  
15 or programs that impact affected areas; and

16 (5) Recommendations for planning, management, and  
17 adaptation for hazards associated with increasing sea  
18 level rise.

19 The report shall be made publicly available no later than  
20 December 31, 2017, and the committee shall reevaluate and update



1 the sea level rise vulnerability and adaptation report every  
2 five years.

3 (o) In developing the report, pursuant to subsection (n),  
4 the committee shall:

5 (1) Solicit public views and concerns; and

6 (2) Coordinate with the various county, state, and federal  
7 agencies involved in ongoing climate change adaptation  
8 planning initiatives."

9 PART III

10 SECTION 6. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$ or so much  
12 thereof as may be necessary for fiscal year 2017-2018 and the  
13 same sum or so much thereof as may be necessary for fiscal year  
14 2018-2019 for the purposes of this Act.

15 The sums appropriated shall be expended by the department  
16 of accounting and general services for the purposes of this Act.

17 SECTION 7. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ or so much  
19 thereof as may be necessary for fiscal year 2017-2018 and the  
20 same sum or so much thereof as may be necessary for fiscal year  
21 2018-2019 for the establishment of one full-time equivalent



1 (1.00 FTE) climate mitigation and adaptation coordinator  
2 position to support the Hawaii climate commission.

3 The sums appropriated shall be expended by the department  
4 of land and natural resources for the purposes of this Act.

5 PART IV

6 SECTION 8. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect on March 9, 2092.





**Report Title:**

Climate Change; Paris Agreement; Policy Priorities; Hawaii  
Climate Commission; Appropriation

**Description:**

Requires the State to expand strategies and mechanisms to reduce greenhouse gas emissions statewide in alignment with the principles and goals adopted in the Paris Agreement. Renames the Interagency Climate Adaptation Committee as the Hawaii Climate Commission. Establishes the duties of the Commission. Makes appropriations. (SB559 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

