A BILL FOR AN ACT

RELATING TO ENERGY DATA.

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

SECTION 1. The legislature finds that climate change poses a serious environmental, economic and public health threat worldwide. Hawaii is particularly vulnerable to increases in sea levels, storm intensity, flooding, and beach erosion which will result in disastrous impacts to our island state.

The legislature finds that to address Hawaii's contribution to climate change, it passed Act 234, Session Laws of Hawaii (SLH) 2007, which mandated that the State of Hawaii reduce its statewide greenhouse gas emissions to levels at or below 1990 levels by January 1, 2020.

The legislature further finds that section 342B-72, Hawaii Revised Statutes (HRS), as enacted by section 8 of Act 234, SLH 2007, mandated that the department of health adopt rules to ensure that any greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the director of health.
In 2014, pursuant to section 342B-72, HRS, the department of health adopted chapter 11-60.1, subchapter 11, Hawaii Administrative Rules (HAR), to regulate greenhouse gas emissions to achieve the 2020 emissions limit.

Section 11-60.1-204(k), HAR, requires that the department of health conduct an annual evaluation, beginning in 2016, of progress to achieve the statewide greenhouse gas emission limit in a manner consistent with that done by the department of business, economic development, and tourism in its preparation of the 1990 greenhouse gas emission estimates under Act 234, SLH 2007.

Pursuant to section 342B-72, HRS, and section 11-60.1-204(k), HAR, the department of health is now responsible for preparing the annual greenhouse gas progress reports that provide statewide greenhouse gas emission inventory estimates and updates.

The annual reports are essential in order for the department of health to assess the progress being made toward achieving the 2020 greenhouse gas emissions limit, to estimate uncertainties, and to support the determination of whether or not the 2020 limit has been met and will be sustained.
Currently, access to the energy data obtained via chapter 486J, HRS, for compiling statewide greenhouse gas inventories, is restricted to a few state departments and authorized individuals. The department of health is currently not one of the listed state departments allowed access to this essential energy data. Without access to the data, the department of health has been having difficulty developing the most accurate and reliable estimates of the state greenhouse gas emission levels possible.

The purpose of this Act is to add the department of health to the list of state departments that have access to the energy data contained in chapter 486J, HRS, in order to increase the accuracy and reduce the levels of uncertainty in the department of health's annual greenhouse gas progress reports.

SECTION 2. Section 486J-5.5, Hawaii Revised Statutes, is amended to read as follows:

"§486J-5.5 Energy data collection program. The department shall establish the energy data collection program that includes development and maintenance of an energy database system that meets the requirements of government and industry, while promoting sound policy making, greenhouse gas emission inventory
reporting, energy planning, energy assurance planning, and
energy security."

SECTION 3. Section 486J-6, Hawaii Revised Statutes, is
amended by amending subsection (c) to read as follows:
"(c) Unless otherwise provided by law, with respect to
data that the commission or department obtained or was provided
pursuant to this chapter, neither the commission or department
nor any employee of the commission or department may do any of
the following:

(1) Use the information furnished or obtained for any
purpose other than the purposes for which it is
supplied;

(2) Make any publication whereby the data furnished by any
person can be identified; or

(3) Permit any person other than the commission, the
department of taxation, the attorney general, the
consumer advocate, the department of business,
economic development, and tourism, the department of
health, and the authorized representatives and
employees of each to examine the individual reports or
statements provided."
SECTION 4. Section 486J-7, Hawaii Revised Statutes, is amended to read as follows:

"§486J-7 Confidential information obtained by another state agency. Any confidential information pertinent to the responsibilities of the commission or the department specified in this chapter that is obtained by another state agency, including the department of taxation, the attorney general, and the consumer advocate, shall be available only to the attorney general, the attorney general's authorized representatives, the department of business, economic development, and tourism, the department of health, and the commission and shall be treated in a confidential manner."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: __________________________

BY REQUEST

JAN 22 2019
Report Title: Greenhouse Gas Data; Department of Health

Description: Permits the Department of Business, Economic Development, and Tourism to share energy data with the Department of Health for purposes of regulating greenhouse gas emissions.

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

TITLE: A BILL FOR AN ACT RELATING TO ENERGY DATA.

PURPOSE: The purpose of this bill is to grant access to the Department of Health for energy data related to greenhouse gases.

MEANS: Amend sections 486J-5.5, 486J-6(c), and 486J-7.

JUSTIFICATION: The Department of Health is unable to comply with statutory requirements for comprehensive greenhouse gas reporting without energy data compiled by the Department of Business, Economic Development, and Tourism. This bill will allow the Department of Business, Economic Development, and Tourism to share these data with the Department of Health.

Impact on the public: The inclusion of energy data may improve public understanding of progress towards climate change.

Impact on the department and other agencies: The Department of Business, Economic Development, and Tourism will be required to share data with the Department of Health.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 840.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

HTH-09(19)