



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 7, 2019

**GOV. MSG. NO. 1193**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 7, 2019, the following bill was signed into law:

SB1241 SD1 HD1 CD1

RELATING TO ENERGY DATA.  
**ACT 092 (19)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO ENERGY DATA.

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

1           SECTION 1. The legislature finds that climate change poses  
2 a serious environmental, economic, and public health threat  
3 worldwide. Hawaii is particularly vulnerable to increases in  
4 sea levels, storm intensity, flooding, and beach erosion that  
5 result in disastrous impacts to the State.

6           The legislature finds that to address Hawaii's contribution  
7 to climate change, it passed Act 234, Session Laws of Hawaii  
8 2007, which mandated that the State of Hawaii reduce its  
9 statewide greenhouse gas emissions to levels at or below 1990  
10 levels by January 1, 2020.

11           The legislature further finds that section 342B-72, Hawaii  
12 Revised Statutes, as enacted by section 8 of Act 234, Session  
13 Laws of Hawaii 2007, mandated that the department of health  
14 adopt rules to ensure that any greenhouse gas emission  
15 reductions achieved are real, permanent, quantifiable,  
16 verifiable, and enforceable by the director of health.

17           In 2014, pursuant to section 342B-72, Hawaii Revised  
18 Statutes, the department of health adopted chapter 11-60.1,



1 subchapter 11, Hawaii Administrative Rules, to regulate  
2 greenhouse gas emissions to achieve the 2020 emissions limit.

3 Section 11-60.1-204(k), Hawaii Administrative Rules,  
4 requires that the department of health conduct an annual  
5 evaluation, beginning in 2016, of progress to achieve the  
6 statewide greenhouse gas emission limit in a manner consistent  
7 with that done by the department of business, economic  
8 development, and tourism in its preparation of the 1990  
9 greenhouse gas emission estimates under Act 234, Session Laws of  
10 Hawaii 2007.

11 Pursuant to section 342B-72, Hawaii Revised Statutes, and  
12 section 11-60.1-204(k), Hawaii Administrative Rules, the  
13 department of health is now responsible for preparing the annual  
14 greenhouse gas progress reports that provide statewide  
15 greenhouse gas emission inventory estimates and updates.

16 The annual reports are essential in order for the  
17 department of health to assess the progress being made toward  
18 achieving the 2020 greenhouse gas emissions limit, to estimate  
19 uncertainties, and to support the determination of whether the  
20 2020 limit has been met and will be sustained.



1           Currently, access to the energy data obtained via chapter  
 2 486J, Hawaii Revised Statutes, for compiling statewide  
 3 greenhouse gas inventories, is restricted to a few state  
 4 departments and authorized individuals. The department of  
 5 health is currently not one of the listed state departments  
 6 allowed access to this essential energy data. Without access to  
 7 the data, the department of health has been having difficulty  
 8 developing the most accurate and reliable estimates of the state  
 9 greenhouse gas emission levels possible.

10           The purpose of this Act is to add the department of health  
 11 to the list of state departments that have access to the energy  
 12 data collected pursuant to chapter 486J, Hawaii Revised  
 13 Statutes, in order to increase the accuracy and reduce the  
 14 levels of uncertainty in the department of health's annual  
 15 greenhouse gas progress reports.

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

18           "§486J-5.5 Energy data collection program. The department  
 19 shall establish the energy data collection program that includes  
 20 development and maintenance of an energy database system that  
 21 meets the requirements of government and industry, while



1 promoting sound policy making, greenhouse gas emission inventory  
2 reporting, energy planning, energy assurance planning, and  
3 energy security."

4 SECTION 3. Section 486J-6, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) Unless otherwise provided by law, with respect to  
7 data that the commission or department obtained or was provided  
8 pursuant to this chapter, neither the commission or department  
9 nor any employee of the commission or department may do any of  
10 the following:

- 11 (1) Use the information furnished or obtained for any  
12 purpose other than the purposes for which it is  
13 supplied;
- 14 (2) Make any publication whereby the data furnished by any  
15 person can be identified; or
- 16 (3) Permit any person other than the commission, the  
17 department of taxation, the attorney general, the  
18 consumer advocate, the department of business,  
19 economic development, and tourism, the department of  
20 health, and the authorized representatives and



1 employees of each to examine the individual reports or  
2 statements provided."

3 SECTION 4. Section 486J-7, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§486J-7 Confidential information obtained by another  
6 state agency. Any confidential information pertinent to the  
7 responsibilities of the commission or the department specified  
8 in this chapter that is obtained by another state agency,  
9 including the department of taxation, the attorney general, and  
10 the consumer advocate, shall be available only to the attorney  
11 general, the attorney general's authorized representatives, the  
12 department of business, economic development, and tourism, the  
13 department of health, and the commission and shall be treated in  
14 a confidential manner."

15 SECTION 5. New statutory material is underscored.

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

APPROVED this 7 day of JUN, 2019

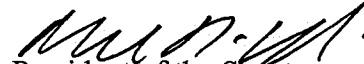



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 30, 2019  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.

  
President of the Senate

  
Clerk of the Senate

SB No. 1241, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives