

JAN 20 2017

A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

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

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



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

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



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

18 The legislature further finds that on December 12, 2015,
19 one hundred ninety-five countries at the 21st Conference of the
20 Parties of the United Nations Framework Convention on Climate
21 Change adopted an agreement addressing greenhouse gas emissions



1 mitigation, adaptation, and finance starting in the year 2020,
2 known as the Paris Agreement. Under the Agreement, the parties
3 will set greenhouse gas reductions goals, record and communicate
4 information through a transparency mechanism, and provide
5 support to undeveloped countries through a finance mechanism.
6 Specifically, the Paris Agreement aims to strengthen the global
7 response to the threat of climate change, in the context of
8 sustainable development and efforts to eradicate poverty,
9 including by:

- 10 (1) Holding the increase in the global average temperature
11 to well below 2 degrees Celsius above pre-industrial
12 levels and pursuing efforts to limit the temperature
13 increase to 1.5 degrees Celsius above pre-industrial
14 levels, recognizing that this would significantly
15 reduce the risks and impacts of climate change;
- 16 (2) Increasing the ability to adapt to the adverse impacts
17 of climate change and foster climate resilience and
18 low greenhouse gas emissions development, in a manner
19 that does not threaten food production; and



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

4 The Agreement will be implemented to reflect equity and the
5 principle of common but differentiated responsibilities and
6 respective capabilities, in light of different national
7 circumstances. The Paris Agreement was adopted on November 4,
8 2016, and is the largest concerted global effort to combat
9 climate change to date. Regardless of federal action, the
10 legislature supports the goals of the Paris Agreement to combat
11 climate change and its effects on environments, economies, and
12 communities around the world.

13 Therefore, the purpose of this Act is to ensure statewide
14 support for Hawaii's green initiatives and to further the
15 State's commitment to combat climate change by systematically
16 reducing and mitigating greenhouse gas emissions through the
17 enactment of principles that mirror many of the provisions
18 adopted in the Paris Agreement.

19 SECTION 2. (a) The State, through the lead of the
20 department of accounting and general services, shall undertake
21 strategies and mechanisms to reduce and mitigate the greenhouse



1 gas emissions of all state departments and agencies. Such
2 strategies and mechanisms shall utilize the best available
3 science to reduce greenhouse gas emissions and be closely
4 aligned with the climate change ideals adopted in the Paris
5 Agreement. The department of accounting and general services
6 shall prepare, communicate, and maintain successive state-
7 determined goals that it intends to achieve. Through the lead
8 of the department of accounting and general services, all state
9 departments and agencies shall pursue local mitigation measures,
10 with the aim of achieving the goals. The successive state-
11 determined goals shall represent a progression beyond the
12 State's current state-determined contribution of greenhouse gas
13 emissions and shall reflect its highest possible ambition to
14 reduce greenhouse gas emissions.

15 (b) In communicating the state-determined goals, the
16 department of accounting and general services shall provide to
17 all state departments and agencies the information necessary for
18 clarity, transparency, and understanding in order for each
19 entity to reduce its greenhouse gas emissions. The department
20 of accounting and general services shall communicate the
21 greenhouse gas emission contribution levels every five years and



1 post that information on its website. In accounting for
2 anthropogenic emissions and removals corresponding to determined
3 contributions, the department of accounting and general services
4 shall promote environmental integrity, transparency, accuracy,
5 completeness, comparability and consistency, and ensure the
6 avoidance of double counting. The State shall strive to
7 formulate and communicate long-term low greenhouse gas emission
8 development strategies. The State shall take action to conserve
9 and enhance, as appropriate, sinks and reservoirs of greenhouse
10 gases, including forests, wetlands, and nature preserves.

11 (c) The legislative, executive, and judicial branches are
12 encouraged to take action to implement and support policy
13 approaches and positive incentives for activities relating to
14 reducing emissions from deforestation, forest degradation, the
15 reduction and removal of wetlands, and the role of conservation,
16 and alternative policy approaches including joint mitigation and
17 adaptation approaches for the integral and sustainable
18 management of forests, wetlands, and nature preserves while
19 reaffirming the importance of incentivizing, as appropriate,
20 non-carbon benefits associated with such approaches.



1 (d) The State shall promote sustainable development and
2 ensure environmental integrity and transparency. The department
3 of accounting and general services shall establish a mechanism
4 to contribute to the mitigation of greenhouse gas emissions and
5 support sustainable development in the State. The mechanism
6 shall aim to:

7 (1) Promote the mitigation of greenhouse gas emissions
8 while fostering sustainable development;

9 (2) Incentivize and facilitate participation in the
10 mitigation of greenhouse gas emissions by public and
11 private entities;

12 (3) Contribute to the reduction of emission levels in the
13 State; and

14 (4) Deliver an overall mitigation in state emissions.

15 The department of accounting and general services shall adopt
16 rules in accordance with section 91 to implement the mechanism.

17 (e) The State recognizes the importance of integrated,
18 holistic, and balanced non-market approaches to assist in the
19 implementation of assessing its state-determined contributions
20 of greenhouse gases and in achieving its goals to reduce and
21 mitigate those gases in a coordinated and effective manner,



1 including through mitigation, adaptation, finance, technology
2 transfer, and capacity-building, as appropriate. These
3 approaches shall aim to:

- 4 (1) Promote mitigation and adaptation ambition;
- 5 (2) Enhance public and private sector participation in the
6 implementation of state-determined goals; and
- 7 (3) Enable opportunities for coordination across
8 instruments and relevant institutional arrangements.

9 (f) The State, through the lead of the department of
10 accounting and general services, establishes the statewide goal
11 of adaptation by enhancing adaptive capacity, strengthening
12 resilience, and reducing vulnerability to climate change, with a
13 view to contributing to sustainable development and ensuring an
14 adequate adaptation response in the context of the temperature
15 goal of well below 2 degrees Celsius above pre-industrial
16 levels. The State recognizes that adaptation is a global
17 challenge faced by all with local, subnational, national,
18 regional, and international dimensions, and that it is a key
19 component of and makes a contribution to the long-term global
20 response to climate change to protect people, livelihoods, and
21 ecosystems, taking into account the urgent and immediate needs



1 of those who are particularly vulnerable to the adverse effects
2 of climate change.

3 The State recognizes that the current need for adaptation
4 is significant and that greater levels of mitigation can reduce
5 the need for additional adaptation efforts, and that greater
6 adaptation needs can involve greater adaptation costs. The
7 State acknowledges that adaptation action should follow a state-
8 driven, gender-responsive, participatory, and fully transparent
9 approach, taking into consideration vulnerable groups,
10 communities, and ecosystems, and should be based on and guided
11 by the best available science and, as appropriate, traditional
12 knowledge, knowledge of indigenous peoples, and local knowledge
13 systems, with a view to integrating adaptation into relevant
14 socioeconomic and environmental policies and actions.

15 (g) The State recognizes the importance of support for and
16 statewide cooperation on adaptation efforts and the importance
17 of taking into account the needs of those who are particularly
18 vulnerable to the adverse effects of climate change. The State
19 recognizes the role of healthy ecosystems in providing natural
20 solutions for both mitigation and adaptation. Healthy coral
21 reefs, coastal trees, and foliage provide protection to coastal



1 communities. Forested catchments and wetlands filter and manage
2 the quality and flow of water. Land and marine nature reserves
3 conserve essential biodiversity and provide added resilience to
4 climate change. All departments and agencies of the State shall
5 strengthen their cooperation with other parties on enhancing
6 action on adaptation by:

- 7 (1) Sharing information, good practices, experiences and
8 lessons learned, including those that relate to
9 science, planning, policies, and implementation in
10 relation to adaptation actions;
- 11 (2) Strengthening institutional arrangements to support
12 the synthesis of relevant information and knowledge,
13 and the provision of technical support and guidance;
- 14 (3) Strengthening scientific knowledge on climate,
15 including research, systematic observation of the
16 climate system, and early warning systems, in a manner
17 that informs climate services and supports decision-
18 making; and
- 19 (4) Improving the effectiveness and durability of
20 adaptation actions.



1 (h) The department of accounting and general services
2 shall engage in adaptation planning processes and the
3 implementation of actions, including the development or
4 enhancement of relevant plans, policies, and goals, which may
5 include:

- 6 (1) The implementation of adaptation actions,
7 undertakings, or efforts;
- 8 (2) The process to formulate and implement statewide
9 adaptation plans;
- 10 (3) The assessment of climate change impacts and
11 vulnerability, with a view to formulating state-
12 determined prioritized actions, taking into account
13 vulnerable people, places, and ecosystems;
- 14 (4) Monitoring, evaluating, and learning from adaptation
15 plans, policies, programs, and actions; and
- 16 (5) Building the resilience of socioeconomic and
17 ecological systems, including through economic
18 diversification and sustainable management of natural
19 resources.

20 (i) The department of accounting and general services
21 shall submit and update periodically an adaptation report that:



- 1 (1) May include its priorities, implementation, and
2 support needs, plans, and actions; and
- 3 (2) Shall include a state adaptation plan and
4 recommendations regarding the following:
- 5 (A) The enhancement of the implementation of
6 adaptation actions;
- 7 (B) The adequacy and effectiveness of adaptation and
8 support provided for adaptation; and
- 9 (C) The overall progress made in achieving the state
10 goal on adaptation.
- 11 (j) The State recognizes the importance of averting,
12 minimizing, and addressing loss and damage associated with the
13 adverse effects of climate change, including extreme weather
14 events and slow onset events, and the role of sustainable
15 development in reducing the risk of loss and damage. The State
16 shall enhance understanding, action, and support, as
17 appropriate, on a cooperative and facilitative basis with
18 respect to loss and damage associated with the adverse effects
19 of climate change. Accordingly, areas of cooperation and
20 facilitation to enhance understanding, action, and support may
21 include:



- 1 (1) Early warning systems;
 - 2 (2) Emergency preparedness;
 - 3 (3) Slow onset events;
 - 4 (4) Events that may involve irreversible and permanent
 - 5 loss and damage;
 - 6 (5) Comprehensive risk assessment and management;
 - 7 (6) Risk insurance facilities, climate risk pooling, and
 - 8 other insurance solutions;
 - 9 (7) Non-economic losses; and
 - 10 (8) Resilience of communities, livelihoods, and
 - 11 ecosystems.
- 12 (k) The State shall hold a long-term vision on the
- 13 importance of fully realizing technology development and
- 14 transfer in order to improve resilience to climate change and to
- 15 reduce greenhouse gas emissions. The State, noting the
- 16 importance of technology for the implementation of mitigation
- 17 and adaptation actions under this Act and recognizing existing
- 18 technology deployment and dissemination efforts, shall
- 19 strengthen cooperative action on technology development and
- 20 transfer. Accelerating, encouraging, and enabling innovation is
- 21 critical for an effective, long-term global response to climate



1 change and promoting economic growth and sustainable
2 development.

3 (1) Capacity-building under this Act shall enhance the
4 capacity and ability of developing areas, in particular areas
5 with the least capacity, and those that are particularly
6 vulnerable to the adverse effects of climate change to take
7 effective climate change action, including to implement
8 adaptation and mitigation actions, and should facilitate
9 technology development, dissemination and deployment, access to
10 climate finance, relevant aspects of education, training and
11 public awareness, and the transparent, timely, and accurate
12 communication of information. Capacity-building shall be state
13 driven, based on and responsive to state needs, at state and
14 local levels. Capacity-building should be guided by lessons
15 learned and should be an effective, iterative process that is
16 participatory, cross-cutting, and gender-responsive. Capacity-
17 building activities shall be enhanced through appropriate
18 institutional arrangements to support the implementation of this
19 Act. All state departments and agencies shall cooperate in
20 taking measures to enhance climate change education, training,



1 public awareness, public participation, and public access to
2 information.

3 (m) In order to build mutual trust and confidence and to
4 promote effective implementation, an enhanced transparency
5 framework for action and support with built-in flexibility is
6 established. The purpose of the framework for transparency of
7 action is to provide a clear understanding of climate change
8 action, including clarity and tracking of progress toward
9 achieving the State's state-determined goals and adaptation
10 actions, including good practices, priorities, needs, and gaps
11 to inform the public. The department of accounting and general
12 services shall regularly provide the following information:

- 13 (1) A state inventory report of anthropogenic emissions by
14 sources and removals by sinks of greenhouse gases,
15 prepared using good practice methodologies; and
- 16 (2) Information necessary to track the State's greenhouse
17 gas emission contribution levels and the progress made
18 in implementing and achieving the State's state-
19 determined goals of reducing and mitigating greenhouse
20 gas emissions.



1 (n) The State shall periodically review the implementation
2 of this Act to assess progress toward achieving the purpose of
3 this Act and its long-term goals. It shall do so in a
4 comprehensive and facilitative manner, considering mitigation,
5 adaptation, and the means of implementation and support, and in
6 the light of equity and the best available science. The State
7 shall undertake its first review in 2023 and every five years
8 thereafter. The outcome of the review shall inform the State in
9 updating and enhancing, in a state-determined manner, its
10 actions and support in accordance with the relevant provisions
11 of this Act.

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2017-2018 and
15 the same sum or so much thereof as may be necessary for fiscal
16 year 2018-2019 for administering strategies and mechanisms to
17 reduce and mitigate the greenhouse gas emissions of all state
18 departments and agencies.

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

21



1 SECTION 4. This Act shall take effect on July 1, 2017.

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S.B. NO. 559

Report Title:

Climate Change; Paris Agreement; Policy Priorities;
Appropriation

Description:

Enacts relevant provisions of the Paris Agreement as Hawaii
state law. Makes an appropriation.

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not legislation or evidence of legislative intent.*

