
A BILL FOR AN ACT

RELATING TO CLIMATE.

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

1 SECTION 1. The legislature finds that climate change is an
2 existential threat globally. The effects of climate change are
3 evident as people and communities the world over are
4 experiencing the dire effects of climate change. Climate change
5 is directly contributing to humanitarian and environmental
6 emergencies from heatwaves, wildfires, droughts, floods, and
7 tropical storms to hurricanes. Moreover, these emergencies are
8 increasing in scale, frequency, and intensity. In 2021, Hawaii
9 was the first state to declare a climate emergency.

10 The legislature recognizes that combating climate change
11 requires able leadership at the state level to take meaningful
12 and proactive action to combat this state crisis, promote
13 renewable energy, and build a clean energy economy. The
14 legislature further finds that a senior advisor on climate is
15 necessary to serve as a principal leader in the areas of state
16 energy and climate to reduce the effects of climate change. In
17 addition, a senior advisor on climate position would be critical

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1 to state, county, and federal leadership collaborative policies
2 and actions in addressing climate change.

3 The purpose of this Act is to establish a senior advisor on
4 climate position within the office of planning and sustainable
5 development to serve in an advisory role in providing guidance
6 to the governor in reducing climate change and addressing the
7 impacts of the climate crisis on the State.

8 SECTION 2. Chapter 225M, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§225M- Senior advisor on climate; established. (a)
12 There is established the position of senior advisor on climate,
13 which shall be placed within the office of planning and
14 sustainable development and report to the governor.

15 (b) The senior advisor on climate shall:

16 (1) Serve in an advisory role in providing guidance to the
17 governor in reducing climate change and addressing the
18 impacts of the climate crisis on the State;

19 (2) Advise the governor on priorities, policies,
20 initiatives, and areas related to climate change;

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1 (3) Help integrate climate solutions, including adaptation
2 and mitigation strategies across state departments and
3 agencies;

4 (4) Assist in the coordination and implementation of
5 funding and policies for clean energy, climate, and
6 resiliency initiatives;

7 (5) Foster collaboration on climate initiatives across
8 state departments and agencies, federal and county
9 governments, and the private and nonprofit sectors;
10 and

11 (6) Serve as a member on the Hawaii climate change
12 mitigation and adaptation commission.

13 (c) The senior advisor on climate shall be nominated by
14 the governor and, by and with the advice and consent of the
15 senate, appointed by the governor without regard to chapters 76
16 and 89.

17 (d) The senior advisor on climate shall hold office for a
18 term to expire at the end of the term for which the governor was
19 elected, unless sooner removed by the governor."

20 SECTION 3. Section 76-16, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:

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1 "(b) The civil service to which this chapter applies shall
2 comprise all positions in the State now existing or hereafter
3 established and embrace all personal services performed for the
4 State, except the following:

5 (1) Commissioned and enlisted personnel of the Hawaii
6 National Guard as such, and positions in the Hawaii
7 National Guard that are required by state or federal
8 laws or regulations or orders of the National Guard to
9 be filled from those commissioned or enlisted
10 personnel;

11 (2) Positions filled by persons employed by contract where
12 the director of human resources development has
13 certified that the service is special or unique or is
14 essential to the public interest and that, because of
15 circumstances surrounding its fulfillment, personnel
16 to perform the service cannot be obtained through
17 normal civil service recruitment procedures. Any such
18 contract may be for any period not exceeding one year;

19 (3) Positions that must be filled without delay to comply
20 with a court order or decree if the director
21 determines that recruitment through normal recruitment
22 civil service procedures would result in delay or

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- 1 noncompliance, such as the Felix-Cayetano consent
2 decree;
- 3 (4) Positions filled by the legislature or by either house
4 or any committee thereof;
- 5 (5) Employees in the office of the governor and office of
6 the lieutenant governor, and household employees at
7 Washington Place;
- 8 (6) Positions filled by popular vote;
- 9 (7) Department heads, officers, and members of any board,
10 commission, or other state agency whose appointments
11 are made by the governor or are required by law to be
12 confirmed by the senate;
- 13 (8) Judges, referees, receivers, masters, jurors, notaries
14 public, land court examiners, court commissioners, and
15 attorneys appointed by a state court for a special
16 temporary service;
- 17 (9) One bailiff for the chief justice of the supreme court
18 who shall have the powers and duties of a court
19 officer and bailiff under section 606-14; one
20 secretary or clerk for each justice of the supreme
21 court, each judge of the intermediate appellate court,
22 and each judge of the circuit court; one secretary for

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1 the judicial council; one deputy administrative
2 director of the courts; three law clerks for the chief
3 justice of the supreme court, two law clerks for each
4 associate justice of the supreme court and each judge
5 of the intermediate appellate court, one law clerk for
6 each judge of the circuit court, two additional law
7 clerks for the civil administrative judge of the
8 circuit court of the first circuit, two additional law
9 clerks for the criminal administrative judge of the
10 circuit court of the first circuit, one additional law
11 clerk for the senior judge of the family court of the
12 first circuit, two additional law clerks for the civil
13 motions judge of the circuit court of the first
14 circuit, two additional law clerks for the criminal
15 motions judge of the circuit court of the first
16 circuit, and two law clerks for the administrative
17 judge of the district court of the first circuit; and
18 one private secretary for the administrative director
19 of the courts, the deputy administrative director of
20 the courts, each department head, each deputy or first
21 assistant, and each additional deputy, or assistant
22 deputy, or assistant defined in paragraph (16);

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1 (10) First deputy and deputy attorneys general, the
2 administrative services manager of the department of
3 the attorney general, one secretary for the
4 administrative services manager, an administrator and
5 any support staff for the criminal and juvenile
6 justice resources coordination functions, and law
7 clerks;

8 (11) (A) Teachers, principals, vice-principals, complex
9 area superintendents, deputy and assistant
10 superintendents, other certificated personnel, no
11 more than twenty noncertificated administrative,
12 professional, and technical personnel not engaged
13 in instructional work;

14 (B) Effective July 1, 2003, teaching assistants,
15 educational assistants, bilingual/bicultural
16 school-home assistants, school psychologists,
17 psychological examiners, speech pathologists,
18 athletic health care trainers, alternative school
19 work study assistants, alternative school
20 educational/supportive services specialists,
21 alternative school project coordinators, and

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- 1 communications aides in the department of
2 education;
- 3 (C) The special assistant to the state librarian and
4 one secretary for the special assistant to the
5 state librarian; and
- 6 (D) Members of the faculty of the University of
7 Hawaii, including research workers, extension
8 agents, personnel engaged in instructional work,
9 and administrative, professional, and technical
10 personnel of the university;
- 11 (12) Employees engaged in special, research, or
12 demonstration projects approved by the governor;
- 13 (13) (A) Positions filled by inmates, patients of state
14 institutions, persons with severe physical or
15 mental disabilities participating in the work
16 experience training programs;
- 17 (B) Positions filled with students in accordance with
18 guidelines for established state employment
19 programs; and
- 20 (C) Positions that provide work experience training
21 or temporary public service employment that are
22 filled by persons entering the workforce or

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1 persons transitioning into other careers under
2 programs such as the federal Workforce Investment
3 Act of 1998, as amended, or the Senior Community
4 Service Employment Program of the Employment and
5 Training Administration of the United States
6 Department of Labor, or under other similar state
7 programs;

8 (14) A custodian or guide at Iolani Palace, the Royal
9 Mausoleum, and Hulihee Palace;

10 (15) Positions filled by persons employed on a fee,
11 contract, or piecework basis, who may lawfully perform
12 their duties concurrently with their private business
13 or profession or other private employment and whose
14 duties require only a portion of their time, if it is
15 impracticable to ascertain or anticipate the portion
16 of time to be devoted to the service of the State;

17 (16) Positions of first deputies or first assistants of
18 each department head appointed under or in the manner
19 provided in section 6, article V, of the Hawaii State
20 Constitution; three additional deputies or assistants
21 either in charge of the highways, harbors, and
22 airports divisions or other functions within the

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1 department of transportation as may be assigned by the
2 director of transportation, with the approval of the
3 governor; one additional deputy in the department of
4 human services either in charge of welfare or other
5 functions within the department as may be assigned by
6 the director of human services; four additional
7 deputies in the department of health, each in charge
8 of one of the following: behavioral health,
9 environmental health, hospitals, and health resources
10 administration, including other functions within the
11 department as may be assigned by the director of
12 health, with the approval of the governor; two
13 additional deputies in charge of the law enforcement
14 programs, administration, or other functions within
15 the department of law enforcement as may be assigned
16 by the director of law enforcement, with the approval
17 of the governor; three additional deputies each in
18 charge of the correctional institutions,
19 rehabilitation services and programs, and
20 administration or other functions within the
21 department of corrections and rehabilitation as may be
22 assigned by the director of corrections and

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1 rehabilitation, with the approval of the governor; an
2 administrative assistant to the state librarian; and
3 an administrative assistant to the superintendent of
4 education;

5 (17) Positions specifically exempted from this part by any
6 other law; provided that:

7 (A) Any exemption created after July 1, 2014, shall
8 expire three years after its enactment unless
9 affirmatively extended by an act of the
10 legislature; and

11 (B) All of the positions defined by paragraph (9)
12 shall be included in the position classification
13 plan;

14 (18) Positions in the state foster grandparent program and
15 positions for temporary employment of senior citizens
16 in occupations in which there is a severe personnel
17 shortage or in special projects;

18 (19) Household employees at the official residence of the
19 president of the University of Hawaii;

20 (20) Employees in the department of education engaged in
21 the supervision of students during meal periods in the
22 distribution, collection, and counting of meal

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- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;

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- 1 (27) In the state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, security and privacy compliance
15 analyst, information technology implementation
16 manager, assistant information technology
17 implementation manager, resource manager,
18 community/project development director, policy
19 director, special assistant to the director, and
20 limited English proficiency project
21 manager/coordinator;

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- 1 (31) The Alzheimer's disease and related dementia services
2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the
4 executive officer, public information officer, civil
5 defense administrative officer, branch chiefs, and
6 emergency operations center state warning point
7 personnel; provided that for state warning point
8 personnel, the director shall determine that
9 recruitment through normal civil service recruitment
10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time
12 administrative positions of the school facilities
13 authority;
- 14 (34) Positions in the Mauna Kea stewardship and oversight
15 authority;
- 16 (35) In the office of homeland security of the department
17 of law enforcement, the statewide interoperable
18 communications coordinator; [~~and~~]
- 19 (36) In the social services division of the department of
20 human services, the business technology analyst [-];
21 and

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1 (37) In the office of planning and sustainable development,
2 the senior advisor on climate.

3 The director shall determine the applicability of this
4 section to specific positions.

5 Nothing in this section shall be deemed to affect the civil
6 service status of any incumbent as it existed on July 1, 1955."

7 SECTION 4. Section 225P-3, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) The commission shall include the following members:

- 10 (1) The chairs of the standing committees of the
11 legislature with subject matter jurisdiction
12 encompassing environmental protection and land use;
- 13 (2) The chairperson of the board of land and natural
14 resources or the chairperson's designee, who shall be
15 the co-chair of the commission;
- 16 (3) The director of the office of planning and sustainable
17 development or the director's designee, who shall be
18 the co-chair of the commission;
- 19 (4) The director of business, economic development, and
20 tourism or the director's designee;

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- 1 (5) The chairperson of the board of directors of the
2 Hawaii tourism authority or the chairperson's
3 designee;
- 4 (6) The chairperson of the board of agriculture or the
5 chairperson's designee;
- 6 (7) The chief executive officer of the office of Hawaiian
7 affairs or the officer's designee;
- 8 (8) The chairperson of the Hawaiian homes commission or
9 the chairperson's designee;
- 10 (9) The director of transportation or the director's
11 designee;
- 12 (10) The director of health or the director's designee;
- 13 (11) The adjutant general or the adjutant general's
14 designee;
- 15 (12) The chairperson of the board of education or the
16 chairperson's designee;
- 17 (13) The senior advisor on climate;
- 18 ~~[(13)]~~ (14) The directors of each of the county planning
19 departments, or the directors' designees; and
- 20 ~~[(14)]~~ (15) The manager of the coastal zone management
21 program."

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1 SECTION 5. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$175,000 or so much
3 thereof as may be necessary for fiscal year 2024-2025 for the
4 establishment of the one full-time equivalent (1.00 FTE)
5 permanent senior advisor on climate position.

6 The sum appropriated shall expended by the department of
7 business, economic development, and tourism for the purposes of
8 this Act.

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect upon its approval;
12 provided that section 5 shall take effect on July 1, 2024.

13

14

INTRODUCED BY: _____



15

BY REQUEST

JAN 22 2024

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Report Title:

OPSD; Senior Advisor on Climate; Climate Change; Civil Service Exemption; Appropriation

Description:

Establishes the senior advisor on climate position within the Office of Planning and Sustainable Development. Makes the senior advisor on climate a member of the Hawaii Climate Change Mitigation and Adaptation Commission. Appropriates funds.

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

JUSTIFICATION SHEET

DEPARTMENT: GOVERNOR

TITLE: A BILL FOR AN ACT RELATING TO CLIMATE.

PURPOSE: To establish a senior advisor on climate position within the Office of Planning and Sustainable Development to serve in an advisory role in providing guidance to the governor in reducing climate change and addressing the impacts of the climate crisis on the State, make the senior advisor on climate a member of the Hawaii Climate Change Mitigation and Adaptation Commission, and appropriate funds for the senior advisor on climate position.

MEANS: Add a new section to chapter 225M, Hawaii Revised Statutes (HRS); amend sections 76-16(b) and 225P-3(c), HRS; and appropriate general funds.

JUSTIFICATION: Climate change is an existential threat to our State and globally. Climate change is directly contributing to humanitarian and environmental emergencies from heatwaves, wildfires, droughts, floods, and tropical storms to hurricanes. The dire effects of climate change are impacting health, the environment, and the economy in our State. Combating climate change requires able leadership at the state level to take meaningful and proactive action to combat this crisis in Hawaii. A senior advisor on climate is also necessary to serve as an advisor to the governor in the areas of State energy and climate to reduce the effects of climate change.

Impact on the public: The senior advisor on climate will reinforce leadership at the state level in combating climate change and furthering cohesion and collaborative efforts among the state, federal, and county governments, and private and nonprofit

sectors in addressing this crisis in the State.

Impact on the department and other agencies:
None.

GENERAL FUND: \$175,000.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED-144.

OTHER AFFECTED
AGENCIES: Department of Business, Economic Development and Tourism - Office of Planning and Sustainable Development; Department of Land and Natural Resources - Hawaii Climate Change Mitigation and Adaptation Commission.

EFFECTIVE DATE: Upon approval, except for section 5, which takes effect on July 1, 2024.