
A BILL FOR AN ACT

RELATING TO CLIMATE PLANNING.

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

1 SECTION 1. The legislature finds that the State faces
2 billions of dollars in current and future losses and financial
3 liabilities resulting from the impacts of climate change. The
4 legislature further finds that the Hawaii climate change
5 mitigation and adaptation commission (commission) was created to
6 "provide policy direction, facilitation, coordination, and
7 planning..." and "establish climate change mitigation and
8 adaptation strategies and goals to help guide planning and
9 implementation..." Those strategies and goals were to be used
10 by the office of planning and sustainable development to develop
11 the next steps for planning and implementation, and state
12 departments were then to take action.

13 However, the legislature further finds that the co-chairs
14 responsible for the commission agenda and resulting work may
15 have inherent conflicts of interest that have prevented the
16 commission from fulfilling the vast majority of its statutorily



1 mandated duties, resulting in missed opportunities to reduce
2 climate-related impacts and costs for Hawaii residents.

3 The legislature notes that the tasks assigned by statute to
4 the commission were, in relevant part, to "identify existing
5 climate change mitigation and adaptation efforts at the federal,
6 state, and local levels and make recommendations for how to meet
7 or exceed Hawaii's state mitigation goals[,]" to "adopt a
8 liberal approach in preparation, so as to minimize future risk
9 to the people and environment of Hawaii[,]" to "assess the
10 capacity and availability of existing resources and identify new
11 sources of revenue necessary to address climate change
12 mitigation and adaptation and [to] advise the governor,
13 legislature, and counties on the economic and budgetary
14 ramifications of climate change impacts, mitigation, and
15 adaptation[,]" and to "identify the information necessary to
16 track progress in implementing climate change mitigation and
17 adaptation efforts and [to] conduct a comprehensive review of
18 the implementation as required by this section[.]"

19 The legislature additionally finds that, while the state
20 climate commission coordinator has done remarkable work with
21 minimal resources under the commission's direction, the broader



1 commission agenda, as set by the co-chairs, has yet to consider,
2 evaluate, or deliver meaningful recommendations, policies, and
3 progress evaluations as required by statute.

4 The legislature also finds that reforming the commission's
5 structure can eliminate the potential conflicts of interest that
6 have prevented the commission from performing its duties as
7 required by law. Currently, the co-chairs of the commission,
8 the director of the office of planning and sustainable
9 development and the chairperson of the board of land and natural
10 resources, appear to be conflicted, as they are tasked with
11 evaluating fellow departments on progress, which can naturally
12 lead to conflicts within the executive branch. The co-chairs
13 are also tasked with making recommendations to fellow
14 departments and the legislature, which can conflict with the
15 policy and budget priorities set by the administration.

16 The legislature believes these structural conflicts must be
17 resolved. Accordingly, the purpose of this Act is to:

18 (1) Amend the leadership, membership, powers, and duties
19 of the Hawaii climate change mitigation and adaptation
20 commission;



1 (2) Establish the powers and duties of the climate change
2 mitigation and adaptation commission coordinator;

3 (3) Beginning after December 31, 2026, require all
4 department and agency plans and decisions to consider
5 recommendations made by the commission and
6 coordinator; and

7 (4) Appropriate funds for positions and other expenses.

8 SECTION 2. Section 225P-2, Hawaii Revised Statutes, is
9 amended by adding a new definition to be appropriately inserted
10 and to read as follows:

11 "Coordinator" means the Hawaii climate change mitigation
12 and adaptation coordinator."

13 SECTION 3. Section 225P-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§225P-3 Hawaii climate change mitigation and adaptation**
16 **commission; general functions, duties, and powers.** (a) There
17 is established the Hawaii climate change mitigation and
18 adaptation commission that shall be placed within the department
19 of land and natural resources for administrative purposes only.

20 (b) Coordination of the commission shall be headed
21 [~~jointly by the chairperson of the board of land and natural~~



1 ~~resources, or the chairperson's designee, and the director of~~
2 ~~the office of planning and sustainable development, or the~~
3 ~~director's designee.] by the coordinator.~~

4 (c) The commission shall include the following members:

5 (1) The coordinator, who shall serve as the chairperson of
6 the commission;

7 ~~[(1)]~~ (2) The chairs of the standing committees of the
8 legislature with subject matter jurisdiction
9 encompassing environmental protection and land use;

10 ~~[(2)]~~ (3) The chairperson of the board of land and natural
11 resources or the chairperson's designee ~~[, who shall be~~
12 ~~the co-chair of the commission];~~

13 ~~[(3)]~~ (4) The director of the office of planning and
14 sustainable development or the director's designee ~~[, who shall be the co-chair of the commission];~~

16 ~~[(4)]~~ (5) The director of business, economic development,
17 and tourism or the director's designee;

18 ~~[(5)]~~ (6) The chairperson of the board of directors of the
19 Hawaii tourism authority or the chairperson's
20 designee;



1 (d) In addition to the members listed in subsection (c),
2 the ~~[chairs of the commission]~~ coordinator may request the
3 participation or input of members of the public; experts in the
4 field; and county, state, or federal officials or others as
5 necessary.

6 (e) The members of the commission shall serve without pay
7 but shall be reimbursed for their actual and necessary expenses,
8 including travel expenses, incurred in carrying out their
9 duties.

10 ~~[(f) The commission shall provide policy direction,~~
11 ~~facilitation, coordination, and planning among state and county~~
12 ~~agencies, federal agencies, and other partners as appropriate.~~

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

19 ~~(h) The commission shall identify vulnerable people,~~
20 ~~communities, industries, ecosystems, and the potential economic~~
21 ~~ramifications for climate change related impacts.~~



1 ~~(i) The commission shall identify existing climate change~~
2 ~~mitigation and adaptation efforts at the federal, state, and~~
3 ~~local levels and make recommendations for how to meet or exceed~~
4 ~~Hawaii's state mitigation goals and shall adopt a liberal~~
5 ~~approach in preparation, so as to minimize future risk to the~~
6 ~~people and environment of Hawaii.~~

7 ~~(j) The commission shall assess the capacity and~~
8 ~~availability of existing resources and identify new sources of~~
9 ~~revenue necessary to address climate change mitigation and~~
10 ~~adaptation and shall advise the governor, legislature, and~~
11 ~~counties on the economic and budgetary ramifications of climate~~
12 ~~change impacts, mitigation, and adaptation.~~

13 ~~(k) The commission shall identify the information~~
14 ~~necessary to track progress in implementing climate change~~
15 ~~mitigation and adaptation efforts and shall submit an annual~~
16 ~~report to the governor and legislature no later than twenty days~~
17 ~~prior to the convening of each regular session of the~~
18 ~~legislature.~~

19 ~~(l) The commission shall maintain a website that includes~~
20 ~~a mission statement as well as access to climate change related~~
21 ~~actions, plans, policies, and results.~~



1 ~~(m) The commission shall conduct a comprehensive review of~~
2 ~~the implementation as required by this section and submit a~~
3 ~~report to the governor, legislature, and the counties no later~~
4 ~~than twenty days prior to the convening of the regular session~~
5 ~~of 2023 and every five years thereafter.~~

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

9 ~~(1) Identification of the major areas of sea level rise~~
10 ~~impacts affecting the State and counties through 2050;~~

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

14 ~~(3) Identification of the economic ramifications of sea~~
15 ~~level rise;~~

16 ~~(4) Identification of applicable federal laws, policies,~~
17 ~~or programs that impact affected areas; and~~

18 ~~(5) Recommendations for planning, management, and~~
19 ~~adaptation for hazards associated with increasing sea~~
20 ~~level rise.~~



1 ~~The reports shall be made publicly available no later than~~
2 ~~December 31, 2017, and the commission shall reevaluate and~~
3 ~~update the sea level rise vulnerability and adaptation report~~
4 ~~every five years.~~

5 ~~(e) In developing the report, pursuant to subsection (n),~~
6 ~~the commission shall:~~

- 7 ~~(1) Solicit public views and concerns; and~~
- 8 ~~(2) Coordinate with the various county, state, and federal~~
9 ~~agencies involved in ongoing climate change adaptation~~
10 ~~planning initiatives.]~~

11 (f) Each state department having an officer or employee as
12 a member of the commission shall submit to the commission a
13 report containing the department's plans and proposed courses of
14 action to meet or exceed the State's climate mitigation and
15 adaptation directives and targets. The coordinator shall assist
16 the departments in complying with this subsection and shall make
17 the reports publicly available.

18 (g) The commission may enter into contracts for the
19 procurement of goods and services to advance climate change
20 mitigation and adaptation.



1 (h) The coordinator may hire staff necessary to carry out
2 the purposes of this section, including specialist positions
3 exempt from chapter 76.

4 (i) The coordinator shall:

5 (1) Provide policy direction, facilitation, coordination,
6 and planning among state and county agencies, federal
7 agencies, and other partners as appropriate;

8 (2) Establish climate change mitigation and adaptation
9 strategies and goals to help guide statewide planning
10 and implementation using the latest scientific
11 analyses and risk assessments to monitor and forecast
12 climate change-related impacts at the state and county
13 levels;

14 (3) Identify vulnerable people, communities, industries,
15 and ecosystems and the potential short- and long-term
16 ramifications of climate-related impacts for public
17 health, economics, and the environment, based on the
18 latest and best international models;

19 (4) Identify existing climate change mitigation and
20 adaptation efforts in other jurisdictions and make
21 recommendations for how to implement similar efforts



1 in the State to meet or exceed the State's climate
2 change mitigation and adaptation goals. In
3 establishing the recommendations, the coordinator
4 shall adopt an approach that minimizes future risk to
5 the people and environment of the State;

6 (5) Assess the capacity and availability of existing
7 resources; identify any new sources of revenue
8 necessary to address climate change mitigation and
9 adaptation; and advise the governor, legislature, and
10 counties on the economic and budgetary ramifications
11 of climate change impacts, mitigation, and adaptation,
12 including current or future costs for both the
13 government and residents that may be avoided or
14 reduced through mitigation or adaptation strategies,
15 based on the latest and best international models;

16 (6) Evaluate the State's progress toward reaching climate
17 mitigation and adaptation directives and targets,
18 including identifying the information necessary to
19 track progress in implementing climate change
20 mitigation and adaptation efforts;



- 1 (7) Maintain a website that includes a mission statement
2 as well as access to climate change-related actions,
3 plans, policies, and results;
- 4 (8) Contract for services if required for the
5 implementation of this chapter; and
- 6 (9) Conduct a comprehensive review of the efforts required
7 by this section and submit a report to the governor,
8 legislature, and counties no later than twenty days
9 prior to each regular session that includes:
- 10 (A) Updated information related to paragraphs (1)
11 through (6), including expected climate impacts
12 on the public health, environment, and economy of
13 the State based on the latest science; any
14 current or future costs for both the government
15 and residents that may be avoided or reduced
16 through the latest mitigation or adaptation
17 strategies; and the overall progress toward the
18 State's climate mitigation and adaptation
19 directives and targets, as established by law;
20 and



1 (B) For each state department having an officer or
2 employee as a member of the commission and the
3 department's respective jurisdiction:

4 (i) An update on the top three states, excluding
5 the State, demonstrating the most progress
6 on climate mitigation and adaptation related
7 to the jurisdiction of that department,
8 including an overview of that state's
9 contributing policies, programs, projects,
10 and best practices;

11 (ii) No fewer than five other examples of the
12 most innovative and successful government
13 projects, programs, policies, and best
14 practices relevant to the jurisdiction of
15 that department that have been developed or
16 implemented by other countries, states,
17 cities, or jurisdictions and that may help
18 accelerate the department's success in
19 meeting the climate mitigation and
20 adaptation directives and targets
21 established by law;



1 (B) One full-time equivalent (1.0 FTE) account clerk
2 V; and

3 (C) One full-time equivalent (1.0 FTE) office
4 manager; and

5 (2) Other expenses, including contracts entered into under
6 chapter 225P, Hawaii Revised Statutes.

7 The sum appropriated shall be expended by the Hawaii
8 climate change mitigation and adaptation commission for the
9 purposes of this Act.

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

12 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

DLNR; HCCMAC; Climate Change; Positions; Appropriation; Reports

Description:

Amends the leadership, membership, powers, and duties of the Hawaii Climate Change Mitigation and Adaptation Commission. Establishes the powers and duties of the Climate Change Mitigation and Adaptation Commission Coordinator. Beginning after 12/31/2026, requires all department and agency plans and decisions to consider recommendations made by the Commission and Coordinator. Appropriates funds for positions and other expenses. Effective 7/1/3000. (HD1)

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