

**ACT 32**

S.B. NO. 559

A Bill for an Act Relating to Climate Change.

*Be It Enacted by the Legislature of the State of Hawaii:*

**PART I**

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

The legislature recognized in Act 234, Session Laws of Hawaii 2007, that "climate change poses a serious threat to the economic well-being, public health, natural resources, and the environment of Hawaii . . ." and that the "potential adverse effects of global warming include a rise in sea levels resulting in the displacement of businesses and residences and the inundation of Hawaii's freshwater aquifers, damage to marine ecosystems and the natural environment, extended drought and loss of soil moisture, an increase in the spread of infectious diseases, and an increase in the severity of storms and extreme weather events." Countless scientific studies have concluded that greenhouse gas emissions are a leading contributing factor to global warming. The purpose of Act

234 was to achieve a cost-effective statewide greenhouse gas emissions limit at or below the State's greenhouse gas emissions estimates of 1990 by 2020. However, even if greenhouse gas emissions are reduced to 1990 levels, Hawai'i will still be significantly impacted by climate change well into the future, thus the legislature acknowledges that climate change requires a two-pronged approach - reduction of activities that contribute to global warming and adaptations to mitigate the impacts of climate change on the State.

Act 73, Session Laws of Hawaii 2010, established the environmental response, energy, and food security tax, otherwise known as the barrel tax, to provide resources for addressing the effects of climate change. Act 286, Session Laws of Hawaii 2012, amended the Hawaii State Planning Act to establish climate change adaptation priority guidelines, which require that all county and state activities consider the impacts of climate change in land use, capital improvement, and program decisions. The legislature also finds that in 2013, President Barack Obama appointed former Governor Neil Abercrombie to serve on the President's Task Force on Climate Preparedness and Resilience to develop recommendations on how the federal government can better support state, local, and tribal efforts in climate mitigation, adaptation, and resilience in the areas of Disaster Management; Built Systems (water, transportation, energy, facilities, and coastal infrastructure); Natural Resources and Agriculture; and Community Development and Health. The Hawaii Climate Adaptation Initiative Act, Act 83, Session Laws of Hawaii 2014, established an Interagency Climate Adaptation Committee and authorized the Department of Land and Natural Resources and Office of Planning to create a Sea Level Rise Vulnerability and Adaption Report by December 2017. Act 83 further authorized the Office of Planning to coordinate development of statewide climate adaptation plans to address the effects of climate change through 2050 to protect the State's economy, health, environment, and way of life.

In September 2016, the International Union for the Conservation of Nature at the Hawaii World Conservation Conference adopted The Pacific Region Climate Resiliency Plan and the Aloha+ Challenge Model for Sustainable Development Policy Motions to facilitate climate mitigation, adaption, and resiliency efforts in the Pacific region.

The legislature further finds that on December 12, 2015, one hundred ninety-five countries at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change adopted an agreement addressing greenhouse gas emissions mitigation, adaptation, and finance starting in the year 2020, known as the Paris Agreement. Under the Agreement, the parties will set greenhouse gas reduction goals, record and communicate information through a transparency mechanism, and provide support to undeveloped countries through a finance mechanism. Specifically, the Paris Agreement aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:

- (1) Holding the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;
- (2) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
- (3) Making finance flows consistent with a pathway toward low greenhouse gas emissions and climate-resilient development.

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

Therefore, the purpose of this part is to document the State's commitment to combat climate change by systematically reducing greenhouse gas emissions and improving our resiliency to climate change aligned with the principles and contributing to the goals set by the Paris Agreement.

The State recognizes that to promote a statewide response to climate change collaboration and cooperation are needed in:

- (1) Early warning systems;
- (2) Emergency preparedness;
- (3) Slow onset events;
- (4) Events that may involve irreversible and permanent loss and damage;
- (5) Comprehensive risk assessment and management;
- (6) Risk insurance facilities, climate risk pooling, and other insurance solutions;
- (7) Non-economic losses; and
- (8) Resilience of communities, livelihoods, and ecosystems.

SECTION 2. (a) The State shall expand strategies and mechanisms to reduce the greenhouse gas emissions statewide through the reduction of energy use, adoption of renewable energy, and control of air pollution among all agencies, departments, industries, and sectors, including transportation. Such strategies and mechanisms shall utilize the best available science, technologies, and policies to reduce greenhouse gas emissions and shall be closely aligned with the climate change principles and goals adopted in the Paris Agreement and Hawaii's share of obligations within the expectations apportioned to the United States in the Paris Agreement, regardless of federal action.

(b) The State shall strive to formulate and communicate long-term low greenhouse gas emission development strategies and shall take actions to conserve and enhance long-term sinks and reservoirs of greenhouse gases, by prioritizing the development of parks, greenways, and restoration of native upland and coastal forests and wetlands.

## PART II

SECTION 3. Chapter 225P, Hawaii Revised Statutes, is amended by amending its title to read as follows:

### **"HAWAII CLIMATE CHANGE MITIGATION AND ADAPTATION INITIATIVE"**

SECTION 4. Section 225P-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: "**Commission**" means the Hawaii climate change mitigation and adaptation commission.
2. By repealing the definition of "committee".  
[~~"Committee" means the interagency climate adaptation committee.~~"]

SECTION 5. Section 225P-3, Hawaii Revised Statutes, is amended to read as follows:

~~“[§225P-3] [Interagency climate adaptation committee];~~ **Hawaii climate change mitigation and adaptation commission; general functions, duties, and powers.** (a) There is established ~~[an interagency climate adaptation committee]~~ **the Hawaii climate change mitigation and adaptation commission** that shall be placed within the department of land and natural resources for administrative purposes only.

(b) Coordination of the ~~[committee]~~ **commission** shall be headed jointly by the chairperson of the board of land and natural resources, or the chairperson's designee, and the director of the office of planning, or the director's designee. ~~[Among the various potential impacts of climate change, the committee shall, as a first step, focus on and develop sea level rise vulnerability and adaptation reports that shall include:~~

- ~~(1) Identification of the major areas of sea level rise impacts affecting the State and counties through 2050;~~
- ~~(2) Identification of expected impacts of sea level rise based on the latest scientific research for each area through 2050;~~
- ~~(3) Identification of the economic ramifications of sea level rise;~~
- ~~(4) Identification of applicable federal laws, policies, or programs that impact affected areas; and~~
- ~~(5) Recommendations for planning, management, and adaptation for hazards associated with increasing sea level rise.~~

~~The report shall be made publicly available no later than December 31, 2017.]~~

~~[(c)]~~ **The [committee] commission shall include the following members:**

- (1) The chairs of the standing committees of the legislature with subject matter jurisdiction encompassing environmental protection and land use;
- (2) The chairperson of the board of land and natural resources or the chairperson's designee, who shall be the co-chair of the ~~[committee];~~ **commission;**
- (3) The director of the office of planning or the director's designee, who shall be the co-chair of the ~~[committee];~~ **commission;**
- (4) The director of business, economic development, and tourism or the director's designee;
- (5) The chairperson of the board of directors of the Hawaii tourism authority or the chairperson's designee;
- (6) The chairperson of the board of agriculture or the chairperson's designee;
- (7) The chief executive officer of the office of Hawaiian affairs or the officer's designee;
- (8) The chairperson of the Hawaiian homes commission or the chairperson's designee;
- (9) The director of transportation or the director's designee;
- (10) The director of health or the director's designee;
- (11) The adjutant general or the adjutant general's designee;
- (12) The chairperson of the board of education or the chairperson's designee;
- (13) The directors of each of the county planning departments, or the directors' designees; and
- (14) The manager of the coastal zone management program.

~~[(d)]~~ In addition to the members listed in subsection (c), the chairs of the ~~[committee]~~ commission may request the participation or input of members of the public; experts in the field; and county, state, or federal officials ~~[necessary for the formulation of the report.]~~ or others as necessary.

~~[(e)]~~ In developing the report, the committee shall:

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

~~[(f)]~~ The committee shall reevaluate and update the sea level rise vulnerability and adaptation report every five years.]

~~[(g)]~~ (e) The members of the ~~[committee]~~ commission shall serve without pay but shall be reimbursed for their actual and necessary expenses, including travel expenses, incurred in carrying out their duties.

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

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

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

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

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

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

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

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

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

- (1) Identification of the major areas of sea level rise impacts affecting the State and counties through 2050;
- (2) Identification of expected impacts of sea level rise based on the latest scientific research for each area through 2050;
- (3) Identification of the economic ramifications of sea level rise;
- (4) Identification of applicable federal laws, policies, or programs that impact affected areas; and

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(5) Recommendations for planning, management, and adaptation for hazards associated with increasing sea level rise. The reports shall be made publicly available no later than December 31, 2017, and the commission shall reevaluate and update the sea level rise vulnerability and adaptation report every five years.

(o) In developing the report, pursuant to subsection (n), the commission shall:

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

SECTION 6. Chapter 225P, Hawaii Revised Statutes, is repealed.

**PART III**

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$40,000 or so much thereof as may be necessary for fiscal year 2017-2018 and the same sum or so much thereof as may be necessary for fiscal year 2018-2019 for the purposes of this Act.

The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$65,000 or so much thereof as may be necessary for fiscal year 2017-2018 and the same sum or so much thereof as may be necessary for fiscal year 2018-2019 for the establishment of one full-time equivalent (1.00 FTE) climate change mitigation and adaptation coordinator position, who shall be exempt from chapter 76, Hawaii Revised Statutes, to support the Hawaii climate change mitigation and adaptation commission.

The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

**PART IV**

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

SECTION 10. This Act shall take effect on July 1, 2017; provided that section 6 shall take effect on July 1, 2022.

(Approved June 6, 2017.)