

STAND. COM. REP. NO. 277

Honolulu, Hawaii

Feb 15, 2011

RE: H.B. No. 1068
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1068 entitled:

"A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES,"

begs leave to report as follows:

The purpose of this bill is to provide the Department of Health (DOH) with additional time and flexibility to adopt rules regarding greenhouse gas (GHG) emissions by:

- (1) Allowing, rather than requiring, the Director of DOH (Director) to adopt rules regarding GHG emissions;
- (2) Removing the deadline by which the Director must adopt the rules regarding GHG emissions;
- (3) Removing the timeframe by which GHG emissions limits need to be achieved;
- (4) Deleting the date by which the rules adopted by the Director would become operative; and
- (5) Deleting the date after which the Director may revise the rules and adopt additional rules as necessary.

HB1068 HD1 HSCR EEP HMS 2011-2023



DOH testified in support of this bill. The Sierra Club-Hawaii Chapter, Blue Planet Foundation, and The Nature Conservancy of Hawaii testified in opposition to this measure.

Act 234, SLH 2007, created the GHG Emission Reduction Task Force (Task Force) to develop a plan and strategy to reduce GHG emissions and which DOH would implement through rules and a regulatory program. However, in its final report to the Legislature, the Task Force did not specify a regulatory air pollution control scheme for DOH but recognized the need for DOH, to coordinate state efforts with ongoing United States Environmental Protection Agency (EPA) developments. As the EPA is continuing to adopt new regulations with regard to GHG emissions and a regulatory scheme has still not been developed by the State, DOH needs flexibility in adopting the rules governing GHG emissions. This measure attempts to address this issue.

Nevertheless, while your Committee understands the need for more time for DOH to adopt rules regarding GHG emissions, it also concurs with concerns raised that leaving the regulation of GHG emissions solely to the discretion of DOH may result in inaction. Rather, it would be more prudent to extend the deadline by which DOH would need to adopt rules regarding GHG emissions. Accordingly, your Committee has amended this bill by:

- (1) Extending the deadline for the adoption of rules regarding GHG emissions by four years;
- (2) Reinserting language requiring, rather than allowing, the Director to adopt rules regarding GHG emissions;
- (3) Reestablishing the date of January 1, 2020, by which GHG emission limits are to be achieved;
- (4) Extending the date by which the rules adopted by the Director would become operative by four years; and
- (5) Changing the date after which the Director may revise the rules and adopt additional rules as necessary to January 1, 2016.

Technical, nonsubstantive amendments have also been made for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1068, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1068, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,

Denny Coffman VICE CHAIR

for

HERMINA MORITA, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 1068	Committee Referral: EEP, FIN	Date: 2-08-2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida T.R.				✓
4. CARROLL, Mele				✓
5. CHANG, Jerry L.	✓			
6. CHONG, Pono	✓			
7. HAR, Sharon E.				✓
8. HERKES, Robert N.	✓			
9. ITO, Ken				✓
10. NAKASHIMA, Mark M.	✓			
11. RIVIERE, Gil	✓			
12. THIELEN, Cynthia		✓		
TOTAL (12)	7	1	0	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>Hermina Morita</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				