

STAND. COM. REP. NO.

491

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 1295
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Energy and Environment and Health, to which was referred S.B. No. 1295 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to remove the requirement that the Department of Health adopt rules by the end of 2011 to implement a greenhouse gas reduction plan as the requirement and deadline are no longer relevant due to the United States Environmental Protection Agency's ongoing adoption of regulations. The amendments proposed by this measure will allow the Department to adopt applicable rules at the proper time.

Your Committees received testimony in support of this measure from Loretta Fuddy, Department of Health; and Mary Guinger. Your Committees received testimony in opposition to this measure from Robert Harris, Sierra Club, Hawai'i Chapter; The Nature Conservancy of Hawai'i; Jeff Mikulina, Blue Planet Foundation; Nancy Davlantes; Byron Baker; and Carolyn Knoll.

Your Committees find that pursuant to Act 234, Session Laws of Hawaii 2007, the Director of Health is required to adopt rules based upon recommendations of a work plan developed by the Greenhouse Gas Emission Reduction Task Force. However, the Task Force's final report and work plan to the Legislature did not specify a regulatory air pollution control scheme for the Department of Health to adopt, and the mandates in the Hawaii

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Clean Energy Initiative will, in and of themselves, reduce greenhouse gas emissions. Your Committees further find that the United States Environmental Protection Agency continues to adopt new regulations regarding greenhouse gases and that the Task Force recognized the need to coordinate state efforts with ongoing United States Environmental Protection Agency developments. Therefore, the original intent of this measure was to give the Department the flexibility to adopt rules at an appropriate time.

Your Committees recognize, however, that it is likely that developments in the Environmental Protection Agency regarding greenhouse gases will be stymied by the current Congress. Your Committees further recognize that the Task Force was unable to fulfill all of its duties due to the fact that only half of the monies appropriated to it were released, and that although the goals of the Hawaii Clean Energy Initiative will contribute to a reduction in greenhouse gas emissions, there needs to be additional assurances that emission reduction targets are met.

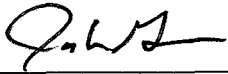
Accordingly, your Committees have amended this measure by:

- (1) Reinstating a deadline, June 30, 2012, by which the Director of Health shall adopt rules to:
 - (A) Establish greenhouse gas emission limits and reduction measures; and
 - (B) Require, beginning July 1, 2012, reporting and verification of greenhouse gas emissions;
- (2) Reinstating a date, July 1, 2012, after which the Director of Health may revise the adopted rules;
- (3) Amending the purpose section accordingly; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1295, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1295, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Health,



JOSH GREEN, M.D., Chair

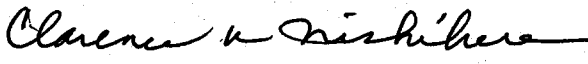


MIKE GABBARD, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 1295	Committee Referral: ENE/HTH	Date: 02/22/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
BAKER, Rosalyn H.				✓
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile				✓
WAKAI, Glenn				✓
SLOM, Sam	✓			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes