

STAND. COM. REP. NO. 1044

Honolulu, Hawaii

March 22, 2011

RE: S.B. No. 1295
S.D. 1
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 S.B. No. 1295, S.D. 1, 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 extending by six months:

- (1) The deadline for the:
 - (A) Adoption of rules regarding GHG emissions; and
 - (B) Reporting and verification of GHG emissions;and
- (2) The date after which the Director of Health may revise the rules and adopt additional rules as necessary.

The Nature Conservancy of Hawaii, Sierra Club-Hawaii Chapter, Hawaii Farm Bureau Federation, and a concerned individual testified in support of this bill. DOH testified in opposition to this measure. The Blue Planet Foundation provided comments.

SB1295 HD1 HSCR EEP HMS 2011-3158



Act 234, Session Laws of Hawaii 2007, created the GHG Emission Reduction Task Force (Task Force) to develop a plan and strategy to reduce GHG emissions, 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.

However, your Committee understands that the EPA has still not developed GHG emission regulations and may not do so for a long time thus hindering DOH's ability to develop a GHG emissions regulatory scheme. Thus, it would be prudent to further 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 from December 31, 2011, to December 31, 2015;
- (2) Extending the date by which the rules adopted by the Director requiring the reporting and verification of GHG emissions and monitoring and enforcement of these rules would become operative by four years from January 1, 2012, to January 1, 2016;
- (3) Reinserting language requiring, rather than allowing, the Director of Health to adopt rules to the extent feasible to achieve the statewide greenhouse gas emissions limit based upon the recommendations and findings of the workplan created by the Task Force; and
- (4) 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 S.B. No. 1295, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1295, S.D. 1, 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

DENNY COFFMAN, Acting Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 1044

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB1299, SD1	Committee Referral: EEP, PIN	Date: 3/17/2011		
<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)	8	—	—	3
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: <u>Rida Cabanilla</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				