
A BILL FOR AN ACT

RELATING TO THE STRUCTURE OF GOVERNMENT.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 ENERGY

6 § -1 **Definitions.** As used in this chapter, unless the
7 context indicates otherwise:

8 "Department" means the department of environment.

9 § -10 **State program for energy planning and**
10 **conservation.** The department shall develop a state program for
11 energy planning and conservation. The program shall consist of
12 short- and long-range planning for the development and adoption
13 of methods to encourage voluntary conservation of gasoline,
14 diesel oil, natural gas, propane, heating oils, other fuels, and
15 electrical energy, and efficient development of new or
16 alternative sources of these fuels and energy. The information
17 resulting from the development and adoption of these methods



1 shall be disseminated to the people of Hawaii through all forms
2 of mass communication media, public and private schools, private
3 and civic organizations, and all other appropriate means.

4 Public information offices of other state and county agencies
5 may be called upon for assistance in the development of the
6 program.

7 § -11 Renewable energy facilitator; establishment;
8 duties. (a) There is established within the department the
9 position of renewable energy facilitator, which shall be a full-
10 time, temporary position exempt from chapters 76 and 89. The
11 renewable energy facilitator shall possess a requisite level of
12 knowledge and expertise in the areas of renewable energy, state
13 and county permitting processes, and management necessary to
14 carry out the duties of the position.

15 (b) The renewable energy facilitator shall have the
16 following duties:

17 (1) Facilitate the efficient permitting of renewable
18 energy projects, including:

19 (A) The land parcel on which the facility is
20 situated;



- 1 (B) Any renewable energy production structure or
- 2 equipment;
- 3 (C) Any energy transmission line from the facility to
- 4 a public utility's electricity system; and
- 5 (D) Any on-site infrastructure necessary for the
- 6 production of electricity or biofuel from the
- 7 renewable energy site;
- 8 (2) Initiate the implementation of key renewable energy
- 9 projects by permitting various efficiency improvement
- 10 strategies identified by the department;
- 11 (3) Administer the day-to-day coordination for renewable
- 12 energy projects on behalf of the department; and
- 13 (4) Submit periodic reports to the legislature on
- 14 renewable energy facilitation activities.
- 15 (c) The renewable energy facilitator position shall be
- 16 funded by the energy security special fund.

17 § -12 Energy security special fund; uses. (a) There is
 18 created within the state treasury an energy security special
 19 fund, which shall consist of:

- 20 (1) The portion of the environmental response, energy, and
- 21 food security tax specified under section 243-3.5;



1 (2) Moneys appropriated to the fund by the legislature;

2 (3) All interest attributable to investment of money
3 deposited in the fund; and

4 (4) Moneys allotted to the fund from other sources,
5 including under section 196-6.5.

6 (b) Subject to legislative appropriation, moneys from the
7 fund may be expended by the department for the following
8 purposes and used for no other purposes, except for those set
9 forth in this section:

10 (1) To support the Hawaii clean energy initiative program,
11 including its energy division, including funding staff
12 positions within the division, and projects that
13 ensure dependable, efficient, and economical energy,
14 promote energy self-sufficiency, and provide greater
15 energy security for the State;

16 (2) To fund the renewable energy facilitator pursuant to
17 section -11 and any other positions necessary for
18 the purposes of paragraph (1) as determined by the
19 legislature; and

20 (3) To fund, to the extent possible, the greenhouse gas
21 emissions reduction task force, climate change task



1 force, grants-in-aid to the economic development
2 boards of each county, and grants-in-aid to economic
3 development agencies of each county to meet the stated
4 objectives of the Hawaii clean energy initiative
5 program.

6 (c) The department shall submit a report to the
7 legislature, no later than twenty days prior to the convening of
8 each regular session, on the status and progress of existing
9 programs and activities and the status of new programs and
10 activities funded by the energy security special fund. The
11 report shall also include:

- 12 (1) The spending plan of the energy security special fund;
13 (2) All expenditures of energy security special fund
14 moneys; and
15 (3) The targeted markets of the expenditures, including
16 the reason for selecting those markets; the persons to
17 be served; and the specific objectives of the
18 expenditures, including measurable outcomes.

19 **§ -13 Building energy efficiency revolving loan fund.**

20 (a) There is established in the state treasury the building
21 energy efficiency revolving loan fund, which shall be



1 administered by the department, and into which shall be
2 deposited:

3 (1) Funds from federal, state, county, private, or other
4 funding sources;

5 (2) Moneys received as repayment of loans and interest
6 payments; and

7 (3) Any fees collected by the department under this
8 section.

9 (b) Moneys in the building energy efficiency revolving
10 loan fund shall be used to provide low or no interest loans or
11 other authorized financial assistance to eligible public,
12 private, and nonprofit borrowers to make energy efficiency
13 improvements in buildings. Moneys from the fund may be used to
14 cover administrative and legal costs of fund management and
15 management associated with individual loans, to include
16 personnel, services, technical assistance, data collection and
17 reporting, materials, equipment, and travel for the purposes of
18 this section.

19 (c) Appropriations or authorizations from the fund shall
20 be expended by the department. The department may contract with
21 other public or private entities for the provision of all or a



1 portion of the services necessary for the administration and
2 implementation of the loan fund program. The department may set
3 fees or charges for fund management and technical site
4 assistance provided under this section. The department may
5 adopt rules pursuant to chapter 91 to carry out the purposes of
6 this section.

7 (d) All interest earned on the deposit or investment of
8 the moneys in the fund shall become a part of the fund.

9 (e) The department may establish subaccounts within the
10 fund as necessary.

11 **§ -14 Office of climate change, establishment;**
12 **responsibilities.** (a) There is established within the
13 department an office of climate change. The head of the office
14 shall be known as the director of the office of climate change.
15 The director of the office of climate change shall be nominated
16 by the governor and, by and with the advice and consent of the
17 senate, appointed by the governor without regard to chapter 76,
18 and shall be compensated at a salary level set by the governor.
19 The director of the office of climate change shall be included
20 in any benefit program generally applicable to the officers and
21 employees of the State. The director of the office of climate



1 change shall retain staff as may be necessary for the purposes
2 of this chapter, in conformity with chapter 76. The director of
3 the office of climate change shall report to the director of
4 environment and shall not be required to report directly to any
5 other principal executive department.

6 (b) The office of climate change shall gather, analyze,
7 and provide information to the governor to assist in the overall
8 analysis and formulation of state policies and strategies to
9 provide central direction and cohesion in the allocation of
10 resources and effectuation of state activities and programs and
11 effectively address current or emerging issues and opportunities
12 regarding climate change. The office shall engage in the
13 following activities:

- 14 (1) State comprehensive planning and program coordination.
15 Formulating and articulating comprehensive statewide
16 goals, objectives, policies, and priorities, and
17 coordinating their implementation in accordance with
18 section 226-108 and through the statewide planning
19 system established in part II of chapter 226; and
20 (2) Climate adaptation planning. Conducting plans and
21 studies and preparing reports as follows:



- 1 (A) Develop, monitor, and evaluate strategic climate
2 adaptation plans and actionable policy
3 recommendations for the State and counties
4 addressing expected statewide climate change
5 impacts identified pursuant to Act 286, Session
6 Laws of Hawaii 2012, through the year 2050;
- 7 (B) Provide planning and policy guidance and
8 assistance to state and county agencies regarding
9 climate change; and
- 10 (C) Publish its findings, recommendations, progress
11 reports, and its annual reports to the governor
12 and the legislature.
- 13 § -15 **Office of clean energy; established.** (a) There
14 is established the office of clean energy within the department
15 to be responsible for advancing energy efficiency, renewable
16 energy, and clean transportation to help Hawaii build a
17 resilient clean energy economy that sequesters more carbon than
18 it produces by 2045.
- 19 (b) The office of clean energy shall:
- 20 (1) Provide analysis and planning to actively develop and
21 inform policies to achieve clean energy goals and



1 energy resiliency to the legislature, public utilities
2 commission, and other relevant stakeholders;

3 (2) Lead efforts to incorporate energy efficiency and
4 renewable energy to reduce costs and achieve clean
5 energy goals across all public facilities;

6 (3) Provide clean energy project deployment facilitation
7 to assist private sector project completion when
8 aligned with state clean energy goals; and

9 (4) Engage the private sector to help lead efforts to
10 achieve clean energy goals through the Hawaii clean
11 energy initiative advisory board.

12 (c) The office of clean energy shall be the State's
13 primary government entity for supporting the clean energy
14 initiative.

15 (d) No later than twenty days prior to the convening of
16 each regular session, the office of clean energy shall submit a
17 report to the legislature that includes:

18 (1) A description of the activities of the office of clean
19 energy in response to the directives established
20 pursuant to subsection (b) and section -16(d),
21 along with the progress of meeting any of the office



1 of clean energy goals established in or pursuant to
2 this chapter;

3 (2) Progress by the State in meeting its clean energy
4 goals; and

5 (3) Proposed legislation, if any.

6 **§ -16 Director of the office of clean energy; duties.**

7 (a) The office of clean energy shall be led by the director of
8 the office of clean energy appointed by the governor, subject to
9 confirmation by the senate; provided that the term of the
10 director of the office of clean energy shall be coterminous with
11 the term of the governor. The director of the office of clean
12 energy shall report directly to the governor.

13 (b) The director of the office of clean energy shall have:

14 (1) Training or experience in the field of renewable
15 energy or other another related field;

16 (2) Expertise in policy, programs, or services related to
17 renewable energy; and

18 (3) Experience in a supervisory or administrative
19 capacity.

20 (c) The director of the office of clean energy shall be
21 included in any benefit program generally applicable to officers



1 and employees of the State. The director of the office of clean
2 energy may hire staff as may be necessary in accordance with
3 chapter 76.

4 (d) Subject to the approval of the governor, the director
5 of the office of clean energy shall:

6 (1) Formulate plans, objectives, criteria to measure
7 accomplishment of objectives, programs through which
8 the objectives are to be attained, and financial
9 requirements for the optimum development of Hawaii's
10 energy resources in a manner that achieves Hawaii's
11 clean energy goals;

12 (2) Conduct systematic analysis of existing and proposed
13 energy resource programs, evaluate the analysis
14 conducted by government agencies and other
15 organizations, and recommend programs that represent
16 the most effective allocation of resources for the
17 development of energy resources in a manner that
18 achieves Hawaii's clean energy goals;

19 (3) Formulate and recommend specific proposals, as
20 necessary, for conserving energy resources, including
21 the allocation and distribution thereof;



- 1 (4) Assist public and private agencies in implementing
2 energy conservation and efficiency programs, the
3 development of indigenous energy resources, and
4 related measures;
- 5 (5) Coordinate the State's energy programs with those of
6 the federal government, other state governments,
7 governments of nations with interest in common energy
8 resources, and the political subdivisions of the
9 State;
- 10 (6) Develop programs to encourage private and public
11 exploration, research, and development of indigenous
12 energy resources that will benefit the State;
- 13 (7) Conduct public education programs to inform the public
14 of the energy resources situation, as it may exist,
15 from time to time and of the government actions taken;
- 16 (8) Serve as consultant to the governor, public agencies,
17 and private industry on energy-related matters;
- 18 (9) Contract for services when required for the
19 implementation of this chapter;
- 20 (10) Review proposed state actions that the director of the
21 office of clean energy finds to have significant



- 1 effect on the State's clean energy objectives and
2 report to the governor their effect on the energy
3 program, and perform other services as may be required
4 by the governor and the legislature;
- 5 (11) Prepare and submit reports as requested by the
6 governor or the legislature;
- 7 (12) Assist public and private agencies in identifying and
8 accessing data necessary to enable the development of
9 a competitive renewable energy market and technologies
10 in a manner that prioritizes resiliency and achieves
11 Hawaii's clean energy goals;
- 12 (13) Assist public and private agencies in identifying
13 projects or infrastructure required to accommodate and
14 facilitate the development of renewable energy
15 resources in a manner that prioritizes resiliency and
16 achieves Hawaii's clean energy goals;
- 17 (14) Assist public and private agencies, in coordination
18 with the department of budget and finance, in
19 accessing the use of special purpose revenue bonds to
20 finance the engineering, design, and construction of
21 transmission projects and infrastructure that are



- 1 deemed critical to the development of renewable energy
2 resources in a manner that prioritizes resiliency and
3 achieves Hawaii's clean energy goals;
- 4 (15) Develop the criteria or requirements for identifying
5 and qualifying specific projects and infrastructure
6 that are critical to the development of renewable
7 energy resources, including providing assistance in
8 accessing the use of special purpose revenue bonds to
9 finance the projects or infrastructure;
- 10 (16) Develop and maintain a comprehensive and systematic
11 quantitative and qualitative capacity to analyze the
12 status of energy resources, systems, and markets, both
13 in-state and those to which Hawaii is directly linked,
14 particularly in relation to the State's economy, and
15 to recommend, develop proposals for, and assess the
16 effectiveness of policy and regulatory decisions, and
17 conduct energy resiliency and emergency planning;
- 18 (17) Engage the general public and consider feedback as
19 appropriate; and
- 20 (18) Adopt rules, pursuant to chapter 91, necessary to
21 effectuate the purposes of this chapter."



1 SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§26- Department of environment. (a) The department of
5 environment shall be headed by a single executive to be known as
6 the director of environment.

7 The department shall administer programs designed to
8 protect, preserve, and improve the environment.

9 (b) The functions and authority exercised by the office of
10 environmental quality control, the environmental council, and
11 the state energy office administered by the office of planning
12 are transferred to the department of environment established by
13 this chapter."

14 SECTION 3. Section 26-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§26-4 Structure of government. Under the supervision of
17 the governor, all executive and administrative offices,
18 departments, and instrumentalities of the state government and
19 their respective functions, powers, and duties shall be
20 allocated among and within the following principal departments
21 that are hereby established:



- 1 (1) Department of human resources development (Section
- 2 26-5)
- 3 (2) Department of accounting and general services (Section
- 4 26-6)
- 5 (3) Department of the attorney general (Section 26-7)
- 6 (4) Department of budget and finance (Section 26-8)
- 7 (5) Department of commerce and consumer affairs (Section
- 8 26-9)
- 9 (6) Department of taxation (Section 26-10)
- 10 (7) University of Hawaii (Section 26-11)
- 11 (8) Department of education (Section 26-12)
- 12 (9) Department of health (Section 26-13)
- 13 (10) Department of human services (Section 26-14)
- 14 (11) Department of land and natural resources (Section
- 15 26-15)
- 16 (12) Department of agriculture (Section 26-16)
- 17 (13) Department of Hawaiian home lands (Section 26-17)
- 18 (14) Department of business, economic development, and
- 19 tourism (Section 26-18)
- 20 (15) Department of transportation (Section 26-19)



- 1 (16) Department of labor and industrial relations (Section
- 2 26-20)
- 3 (17) Department of defense (Section 26-21)
- 4 (18) Department of public safety (Section 26-14.6) [-]
- 5 (19) Department of environment (Section 26-) ."

6 SECTION 4. Section 26-56, Hawaii Revised Statutes, is
 7 amended by amending subsection (b) to read as follows:

8 "(b) The commission shall review and recommend an
 9 appropriate salary for the governor, lieutenant governor,
 10 members of the legislature, justices and judges of all state
 11 courts, administrative director of the State or an equivalent
 12 position, and department heads or executive officers and the
 13 deputies or assistants to the department heads of the
 14 departments of:

- 15 (1) Accounting and general services;
- 16 (2) Agriculture;
- 17 (3) The attorney general;
- 18 (4) Budget and finance;
- 19 (5) Business, economic development, and tourism;
- 20 (6) Commerce and consumer affairs;
- 21 (7) Defense;



- 1 (8) Environment;
- 2 [~~(8)~~] (9) Hawaiian home lands;
- 3 [~~(9)~~] (10) Health;
- 4 [~~(10)~~] (11) Human resources development;
- 5 [~~(11)~~] (12) Human services;
- 6 [~~(12)~~] (13) Labor and industrial relations;
- 7 [~~(13)~~] (14) Land and natural resources;
- 8 [~~(14)~~] (15) Public safety;
- 9 [~~(15)~~] (16) Taxation; and
- 10 [~~(16)~~] (17) Transportation.

11 The commission shall not review the salary of any position
 12 in the department of education or the University of Hawaii.

13 The commission may recommend different salaries for
 14 department heads and executive officers and different salary
 15 ranges for deputies or assistants to department heads; provided
 16 that the commission shall recommend the same salary range for
 17 deputies or assistants to department heads within the same
 18 department; provided further that the appointing official shall
 19 specify the salary for a particular position within the
 20 applicable range.



1 The commission shall not recommend salaries lower than
2 salary amounts recommended by prior commissions replaced by this
3 section."

4 SECTION 5. Section 76-16, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) The civil service to which this chapter applies shall
7 comprise all positions in the State now existing or hereafter
8 established and embrace all personal services performed for the
9 State, except the following:

- 10 (1) Commissioned and enlisted personnel of the Hawaii
11 National Guard as such, and positions in the Hawaii
12 National Guard that are required by state or federal
13 laws or regulations or orders of the National Guard to
14 be filled from those commissioned or enlisted
15 personnel;
- 16 (2) Positions filled by persons employed by contract where
17 the director of human resources development has
18 certified that the service is special or unique or is
19 essential to the public interest and that, because of
20 circumstances surrounding its fulfillment, personnel
21 to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply
4 with a court order or decree if the director
5 determines that recruitment through normal recruitment
6 civil service procedures would result in delay or
7 noncompliance, such as the Felix-Cayetano consent
8 decree;
- 9 (4) Positions filled by the legislature or by either house
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of
12 the lieutenant governor, and household employees at
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,
16 commission, or other state agency whose appointments
17 are made by the governor or are required by law to be
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries
20 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



- 1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);
- 10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;
- 17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 not more than twenty noncertificated



1 administrative, professional, and technical
2 personnel not engaged in instructional work;
3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;



- 1 (12) Employees engaged in special, research, or
2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
4 institutions, persons with severe physical or
5 mental disabilities participating in the work
6 experience training programs;
- 7 (B) Positions filled with students in accordance with
8 guidelines for established state employment
9 programs; and
- 10 (C) Positions that provide work experience training
11 or temporary public service employment that are
12 filled by persons entering the workforce or
13 persons transitioning into other careers under
14 programs such as the federal Workforce Investment
15 Act of 1998, as amended, or the Senior Community
16 Service Employment Program of the Employment and
17 Training Administration of the United States
18 Department of Labor, or under other similar state
19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
21 Mausoleum, and Hulihee Palace;



- 1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;
- 8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; four additional deputies in the department
17 of health, each in charge of one of the following:
18 behavioral health, environmental health, hospitals,
19 and health resources administration, including other
20 functions within the department as may be assigned by
21 the director of health, with the approval of the



- 1 governor; an administrative assistant to the state
2 librarian; and an administrative assistant to the
3 superintendent of education;
- 4 (17) Positions specifically exempted from this part by any
5 other law; provided that:
- 6 (A) Any exemption created after July 1, 2014, shall
7 expire three years after its enactment unless
8 affirmatively extended by an act of the
9 legislature; and
- 10 (B) All of the positions defined by paragraph (9)
11 shall be included in the position classification
12 plan;
- 13 (18) Positions in the state foster grandparent program and
14 positions for temporary employment of senior citizens
15 in occupations in which there is a severe personnel
16 shortage or in special projects;
- 17 (19) Household employees at the official residence of the
18 president of the University of Hawaii;
- 19 (20) Employees in the department of education engaged in
20 the supervision of students during meal periods in the
21 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



1 (27) In the state energy office in the department of
 2 [~~business, economic development, and tourism,~~
 3 environment all energy program managers, energy
 4 program specialists, energy program assistants, and
 5 energy analysts; and

6 (28) Administrative appeals hearing officers in the
 7 department of human services.

8 The director shall determine the applicability of this
 9 section to specific positions.

10 Nothing in this section shall be deemed to affect the civil
 11 service status of any incumbent as it existed on July 1, 1955."

12 SECTION 6. Section 107-22, Hawaii Revised Statutes, is
 13 amended by amending subsection (a) to read as follows:

14 "(a) There is established a state building code council.
 15 The council shall be placed within the department of accounting
 16 and general services for administrative purposes only. The
 17 council shall consist of eleven voting members and one nonvoting
 18 member, who shall be the comptroller or the comptroller's
 19 designee. The council members shall serve four-year terms. The
 20 voting members shall include:



- 1 (1) One county building official from each of the four
2 counties appointed by the mayor;
- 3 (2) One member representing the state fire council;
- 4 (3) One member representing the department of labor and
5 industrial relations who has significant experience in
6 elevator safety;
- 7 (4) One member representing the state energy office of the
8 department of [~~business, economic development, and~~
9 ~~tourism,~~] environment;
- 10 (5) One member representing the Structural Engineers
11 Association of Hawaii;
- 12 (6) One member representing the American Institute of
13 Architects, Hawaii State Council;
- 14 (7) One member representing the Building Industry
15 Association of Hawaii or the General Contractors
16 Association of Hawaii, who has significant experience
17 with building codes, with alternating four-year terms
18 between the two organizations and the first four-year
19 term to be served by the Building Industry Association
20 of Hawaii; and



1 (8) One member representing the Subcontractors'
2 Association of Hawaii who has significant experience
3 with building codes."

4 SECTION 7. Section 196-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§196-3 Energy resources coordinator. The director of
7 [~~business, economic development, and tourism~~] environment shall
8 serve as the energy resources coordinator."

9 SECTION 8. Section 196-6.5, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) The director of [~~business, economic development, and~~
12 ~~tourism~~] environment may adopt rules pursuant to chapter 91 to
13 impose and collect fees to cover the costs of administering
14 variances under this section. The fees, if any, shall be
15 deposited into the energy security special fund established
16 under section [~~201-12-8~~] -12."

17 SECTION 9. Section 196-10, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+] §196-10 [+] Hawaii renewable hydrogen program. There
20 is established, within the department of [~~business, economic~~
21 ~~development, and tourism~~], environment, a Hawaii renewable



1 hydrogen program to manage the State's transition to a renewable
2 hydrogen economy. The program shall design, implement, and
3 administer activities that include:

4 (1) Strategic partnerships for the research, development,
5 testing, and deployment of renewable hydrogen
6 technologies;

7 (2) Engineering and economic evaluations of Hawaii's
8 potential for renewable hydrogen use and near-term
9 project opportunities for the State's renewable energy
10 resources;

11 (3) Electric grid reliability and security projects that
12 will enable the integration of a substantial increase
13 of electricity from renewable energy resources on the
14 island of Hawaii;

15 (4) Hydrogen demonstration projects, including
16 infrastructure for the production, storage, and
17 refueling of hydrogen vehicles;

18 (5) A statewide hydrogen economy public education and
19 outreach plan focusing on the island of Hawaii, to be
20 developed in coordination with Hawaii's public
21 education institutions;



- 1 (6) Promotion of Hawaii's renewable hydrogen resources to
2 potential partners and investors;
- 3 (7) A plan, for implementation during the years 2007 to
4 2010, to more fully deploy hydrogen technologies and
5 infrastructure capable of supporting the island of
6 Hawaii's energy needs, including:
- 7 (A) Expanded installation of hydrogen production
8 facilities;
- 9 (B) Development of integrated energy systems,
10 including hydrogen vehicles;
- 11 (C) Construction of additional hydrogen refueling
12 stations; and
- 13 (D) Promotion of building design and construction
14 that fully incorporates clean energy assets,
15 including reliance on hydrogen-fueled energy
16 generation;
- 17 (8) A plan, for implementation during the years 2010 to
18 2020, to transition the island of Hawaii to a
19 hydrogen-fueled economy and to extend the application
20 of the plan throughout the State; and
- 21 (9) Evaluation of policy recommendations to:



- 1 (A) Encourage the adoption of hydrogen-fueled
- 2 vehicles;
- 3 (B) Continually fund the hydrogen investment capital
- 4 special fund; and
- 5 (C) Support investment in hydrogen infrastructure,
- 6 including production, storage, and dispensing
- 7 facilities."

8 SECTION 10. Section 196-10.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[+] §196-10.5 [+] Hawaii clean energy initiative program.

11 (a) There is established within the department of [~~business,~~
12 ~~economic development, and tourism,~~] environment, a Hawaii clean
13 energy initiative program to manage the State's transition to a
14 clean energy economy. The clean energy program shall design,
15 implement, and administer activities that include:

- 16 (1) Strategic partnerships for the research, development,
- 17 testing, deployment, and permitting of clean and
- 18 renewable technologies;
- 19 (2) Engineering and economic evaluations of Hawaii's
- 20 potential for near-term project opportunities for the
- 21 State's renewable energy resources;



- 1 (3) Electric grid reliability and security projects that
2 will enable the integration of a substantial increase
3 of electricity from renewable-energy resources;
- 4 (4) A statewide clean energy public education and outreach
5 plan to be developed in coordination with Hawaii's
6 institutions of public education;
- 7 (5) Promotion of Hawaii's clean and renewable resources to
8 potential partners and investors;
- 9 (6) A plan, to be implemented from 2011 to 2030, to
10 transition the State to a clean energy economy; and
- 11 (7) A plan, to be implemented from 2011 to 2030, to assist
12 each county in transitioning to a clean energy
13 economy.
- 14 (b) Prior to the initiation of any activities authorized
15 under subsection (a), the department of [~~business, economic~~
16 ~~development, and tourism~~] environment shall develop a plan of
17 action with the intent of promoting effective prioritization and
18 focusing of efforts consistent with the State's energy programs
19 and objectives.
- 20 (c) The department of [~~business, economic development, and~~
21 ~~tourism~~] environment shall submit a report to the legislature no



1 later than twenty days prior to the convening of each regular
2 session on the status and progress of new and existing clean
3 energy initiatives. The report shall also include:

- 4 (1) The spending plan of the Hawaii clean energy
5 initiative program;
- 6 (2) All expenditures of energy security special fund
7 moneys; and
- 8 (3) The targeted markets of the expenditures, including
9 reasons for selecting those markets, the persons to be
10 served, specific objectives of the program, and
11 program expenditures, including measurable outcomes."

12 SECTION 11. Section 225M-2, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The office of planning shall gather, analyze, and
15 provide information to the governor to assist in the overall
16 analysis and formulation of state policies and strategies to
17 provide central direction and cohesion in the allocation of
18 resources and effectuation of state activities and programs and
19 effectively address current or emerging issues and
20 opportunities. More specifically, the office shall engage in
21 the following activities:



- 1 (1) State comprehensive planning and program coordination.
2 Formulating and articulating comprehensive statewide
3 goals, objectives, policies, and priorities, and
4 coordinating their implementation through the
5 statewide planning system established in part II of
6 chapter 226[+], except for goals, objectives,
7 policies, and priorities included in section 226-108;
- 8 (2) Strategic planning. Identifying and analyzing
9 significant issues, problems, and opportunities
10 confronting the State, and formulating strategies and
11 alternative courses of action in response to
12 identified problems and opportunities by:
- 13 (A) Providing in-depth policy research, analysis, and
14 recommendations on existing or potential areas of
15 critical state concern;
- 16 (B) Examining and evaluating the effectiveness of
17 state programs in implementing state policies and
18 priorities;
- 19 (C) Monitoring through surveys, environmental
20 scanning, and other techniques--current social,
21 economic, and physical conditions and trends; and



- 1 (D) Developing, in collaboration with affected public
2 or private agencies and organizations,
3 implementation plans and schedules and, where
4 appropriate, assisting in the mobilization of
5 resources to meet identified needs;
- 6 (3) Planning coordination and cooperation. Facilitating
7 coordinated and cooperative planning and policy
8 development and implementation activities among state
9 agencies and between the state, county, and federal
10 governments, by:
- 11 (A) Reviewing, assessing, and coordinating, as
12 necessary, major plans, programs, projects, and
13 regulatory activities existing or proposed by
14 state and county agencies;
- 15 (B) Formulating mechanisms to simplify, streamline,
16 or coordinate interagency development and
17 regulatory processes; and
- 18 (C) Recognizing the presence of federal defense and
19 security forces and agencies in the State as
20 important state concerns;



- 1 (4) Statewide planning and geographic information system.
2 Collecting, integrating, analyzing, maintaining, and
3 disseminating various forms of data and information,
4 including geospatial data and information, to further
5 effective state planning, policy analysis and
6 development, and delivery of government services by:
- 7 (A) Collecting, assembling, organizing, evaluating,
8 and classifying existing geospatial and non-
9 geospatial data and performing necessary basic
10 research, conversions, and integration to provide
11 a common database for governmental planning and
12 geospatial analyses by state agencies;
- 13 (B) Planning, coordinating, and maintaining a
14 comprehensive, shared statewide planning and
15 geographic information system and associated
16 geospatial database. The office shall be the
17 lead agency responsible for coordinating the
18 maintenance of the multi-agency, statewide
19 planning and geographic information system and
20 coordinating, collecting, integrating, and
21 disseminating geospatial data sets that are used



1 to support a variety of state agency applications
2 and other spatial data analyses to enhance
3 decision-making. The office shall promote and
4 encourage free and open data sharing among and
5 between all government agencies. To ensure the
6 maintenance of a comprehensive, accurate, up-to-
7 date geospatial data resource that can be drawn
8 upon for decision-making related to essential
9 public policy issues such as land use planning,
10 resource management, homeland security, and the
11 overall health, safety, and well-being of
12 Hawaii's citizens, and to avoid redundant data
13 development efforts, state agencies shall provide
14 to the shared system either their respective
15 geospatial databases or, at a minimum, especially
16 in cases of secure or confidential data sets that
17 cannot be shared or must be restricted, metadata
18 describing existing geospatial data. In cases
19 where agencies provide restricted data, the
20 office of planning shall ensure the security of
21 that data; and

- 1 (C) Maintaining a centralized depository of state and
2 national planning references;
- 3 (5) Land use planning. Developing and presenting the
4 position of the State in all boundary change petitions
5 and proceedings before the land use commission,
6 assisting state agencies in the development and
7 submittal of petitions for land use district boundary
8 amendments, and conducting periodic reviews of the
9 classification and districting of all lands in the
10 State, as specified in chapter 205;
- 11 (6) Coastal and ocean policy management. Carrying out the
12 lead agency responsibilities for the Hawaii coastal
13 zone management program, as specified in chapter 205A.
14 Also, developing and maintaining an ocean and coastal
15 resources information, planning, and management system
16 further developing and coordinating implementation of
17 the ocean resources management plan, and formulating
18 ocean policies with respect to the exclusive economic
19 zone, coral reefs, and national marine sanctuaries;
- 20 (7) Regional planning and studies. Conducting plans and
21 studies to determine:



- 1 (A) The capability of various regions within the
2 State to support projected increases in both
3 resident populations and visitors;
- 4 (B) The potential physical, social, economic, and
5 environmental impact on these regions resulting
6 from increases in both resident populations and
7 visitors;
- 8 (C) The maximum annual visitor carrying capacity for
9 the State by region, county, and island; and
- 10 (D) The appropriate guidance and management of
11 selected regions and areas of statewide critical
12 concern.

13 The studies in subparagraphs (A) to (C) shall be
14 conducted at appropriate intervals, but not less than
15 once every five years;

- 16 (8) Regional, national, and international planning.
17 Participating in and ensuring that state plans,
18 policies, and objectives are consistent, to the extent
19 practicable, with regional, national, and
20 international planning efforts; and



- 1 ~~[(9) Climate adaptation planning. Conducting plans and~~
- 2 ~~studies and preparing reports as follows:~~
- 3 ~~(A) Develop, monitor, and evaluate strategic climate~~
- 4 ~~adaptation plans and actionable policy~~
- 5 ~~recommendations for the State and counties~~
- 6 ~~addressing expected statewide climate change~~
- 7 ~~impacts identified under Act 286, Session Laws of~~
- 8 ~~Hawaii 2012, through the year 2050;~~
- 9 ~~(B) Provide planning and policy guidance and~~
- 10 ~~assistance to state and county agencies regarding~~
- 11 ~~climate change; and~~
- 12 ~~(C) Publish its findings, recommendations, and~~
- 13 ~~progress reports on actions taken no later than~~
- 14 ~~December 31, 2017, and its annual report to the~~
- 15 ~~governor and the legislature thereafter; and~~
- 16 ~~(10)]~~ (9) Smart growth and transit-oriented development.
- 17 Acting as the lead agency to coordinate and advance
- 18 smart growth and transit-oriented development planning
- 19 within the State as follows:
- 20 (A) Identify transit-oriented development
- 21 opportunities shared between state and county



- 1 agencies, including relevant initiatives such as
2 the department of health's healthy Hawaii
3 initiative and the Hawaii clean energy
4 initiative;
- 5 (B) Refine the definition of "transit-oriented
6 development" in the context of Hawaii, while
7 recognizing the potential for smart growth
8 development patterns in all locations;
- 9 (C) Clarify state goals for transit-oriented
10 development and smart growth that support the
11 principles of the Hawaii State Planning Act by
12 preserving non-urbanized land, improving worker
13 access to jobs, and reducing fuel consumption;
- 14 (D) Target transit-oriented development areas for
15 significant increase in affordable housing and
16 rental units;
- 17 (E) Conduct outreach to state agencies to help
18 educate state employees about the ways they can
19 support and benefit from transit-oriented
20 development and the State's smart growth goals;



1 (F) Publicize coordinated state efforts that support
2 smart growth, walkable neighborhoods, and
3 transit-oriented development;

4 (G) Review state land use decision-making processes
5 to identify ways to make transit-oriented
6 development a higher priority and facilitate
7 better and more proactive leadership in creating
8 walkable communities and employment districts,
9 even if transit will only be provided at a later
10 date; and

11 (H) Approve all state agencies' development plans for
12 parcels along the rail transit corridor. For the
13 purposes of this subparagraph, "development
14 plans" means conceptual land use plans that
15 identify the location and planned uses within a
16 defined area."

17 SECTION 12. Section 225P-4, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsection (a) to read:

20 "(a) The greenhouse gas sequestration task force is
21 established within the office of [~~planning~~] climate change for



1 administrative purposes only. The task force shall have the
2 following objectives:

- 3 (1) Work with public and private stakeholders to establish
4 a baseline for greenhouse gas emissions within Hawaii
5 and short- and long-term benchmarks for increasing
6 greenhouse gas sequestration in the State's
7 agricultural and natural environment;
- 8 (2) Identify appropriate criteria to measure baseline
9 levels and increases in greenhouse gas sequestration,
10 improvements in soil health, increases in agricultural
11 and aquacultural product yield and quality
12 attributable to greenhouse gas sequestration and
13 improvements in soil health, and other key indicators
14 of greenhouse gas benefits from beneficial
15 agricultural and aquacultural practices that may be
16 used to create a certification program for promoting
17 agricultural and aquacultural practices that generate
18 greenhouse gas benefits and agricultural and
19 aquacultural production benefits;
- 20 (3) Identify land and marine use policies, agricultural
21 policies, agroforestry policies, and mitigation



- 1 options that would encourage agricultural and
2 aquacultural practices and land use practices that
3 would promote increased greenhouse gas sequestration,
4 build healthy soils, and provide greenhouse gas
5 benefits;
- 6 (4) Identify ways to increase the generation and use of
7 compost in Hawaii to build healthy soils;
- 8 (5) Identify practices and policies that add trees or
9 vegetation to expand the urban tree canopy in urban
10 areas to reduce ambient temperatures, increase climate
11 resiliency, and improve greenhouse gas sequestration
12 in Hawaii; and
- 13 (6) Make recommendations to the legislature and governor
14 regarding measures that would increase climate
15 resiliency, build healthy soils, provide greenhouse
16 gas benefits, or cool urban areas."
- 17 2. By amending subsection (c) to read:
- 18 "(c) The membership of the greenhouse gas sequestration
19 task force shall be as follows:



- 1 (1) The director of the office of [~~planning~~] climate
2 change or the director's designee, who shall serve as
3 chairperson;
- 4 (2) The chairperson of the board of agriculture or the
5 chairperson's designee;
- 6 (3) The chairperson of the board of land and natural
7 resources or the chairperson's designee;
- 8 (4) The director of transportation or the director's
9 designee;
- 10 (5) ~~The [deputy director of the department of health's~~
11 ~~environmental health administration or the deputy~~
12 ~~director's designee,]~~ director of environment or the
13 director's designee;
- 14 (6) The director of the office of environmental quality
15 control or the director's designee;
- 16 (7) The director of the environmental law program at the
17 University of Hawaii at Manoa William S. Richardson
18 school of law;
- 19 (8) The administrator of the division of forestry and
20 wildlife within the department of land and natural
21 resources or the administrator's designee;



- 1 (9) One member who is also a member of the climate change
2 mitigation and adaptation commission;
- 3 (10) One researcher from the college of tropical
4 agriculture and human resources at the University of
5 Hawaii at Manoa;
- 6 (11) One extension agent from the college of tropical
7 agriculture and human resources at the University of
8 Hawaii at Manoa;
- 9 (12) Four members, one each to be appointed by the
10 respective mayors of the city and county of Honolulu,
11 and the counties of Hawaii, Kauai, and Maui; and
- 12 (13) Four members to be jointly selected and invited to
13 participate by the president of the senate and the
14 speaker of the house of representatives, of which two
15 members shall be selected from an environmental
16 nonprofit organization, and two members shall be
17 selected from an agricultural or ranching association.
- 18 Task force members may recommend to the task force
19 additional members with appropriate specialized expertise,
20 subject to approval by the chairperson."
- 21 3. By amending subsection (f) to read:



1 "(f) The office of [~~planning~~] climate change shall provide
2 administrative and clerical support required by the task force."

3 SECTION 13. Section 225P-6, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) The office of [~~planning~~] climate change in
6 partnership with the greenhouse gas sequestration task force
7 shall investigate and establish a carbon offset program that:

- 8 (1) Provides expertise in carbon offsetting to public
9 agencies and private entities and assists in
10 coordinating carbon offset projects of public
11 agencies, including but not limited to the generation,
12 certification, and marketing of carbon credits;
- 13 (2) Allows for proceeds and revenues generated by state
14 departments from sales of offset credits to be
15 deposited into suitable funds particularly for
16 reinvestment to generate further carbon offset
17 credits; provided that the funds are used in
18 accordance with the purposes of the fund;
- 19 (3) Allows for proceeds and revenues generated by state
20 agencies from sales of carbon credits other than as
21 described in paragraph (2) to be invested in projects



1 enhancing the State's efforts to mitigate or adapt to
2 climate change; and

3 (4) Is consistent with the State's sustainability goals
4 and policies.

5 (b) The office of [~~planning~~] climate change in partnership
6 with the greenhouse gas sequestration task force shall submit a
7 report of its findings and recommendations, including any
8 proposed legislation, to the legislature and the climate change
9 mitigation and adaptation commission no later than twenty days
10 prior to the convening of the regular session of 2020."

11 SECTION 14. Section 243-3.5, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) In addition to subsection (a), the tax shall also be
14 imposed on each one million British thermal units of fossil fuel
15 sold by a distributor to any retail dealer or end user, other
16 than a refiner, of fossil fuel. The tax shall be 19 cents on
17 each one million British thermal units of fossil fuel; provided
18 that of the tax collected pursuant to this subsection:

19 (1) 4.8 per cent of the tax on each one million British
20 thermal units shall be deposited into the



1 environmental response revolving fund established
2 under section 128D-2;

3 (2) 14.3 per cent of the tax on each one million British
4 thermal units shall be deposited into the energy
5 security special fund established under section [~~201-~~
6 ~~12.87~~] -12;

7 (3) 9.5 per cent of the tax on each one million British
8 thermal units shall be deposited into the energy
9 systems development special fund established under
10 section 304A-2169.1; and

11 (4) 14.3 per cent of the tax on each one million British
12 thermal units shall be deposited into the agricultural
13 development and food security special fund established
14 under section 141-10.

15 The tax imposed by this subsection shall be paid by the
16 distributor of the fossil fuel."

17 SECTION 15. Section 341-3, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsection (a) to read:

20 "(a) There is created an office of environmental quality
21 control that shall be headed by a single executive to be known



1 as the director of environmental quality control who shall be
2 appointed by the governor as provided in section 26-34. This
3 office shall implement this chapter and shall be placed within
4 the department of [~~health~~] environment for administrative
5 purposes. The office shall perform its duties under chapter 343
6 and shall serve the governor in an advisory capacity on all
7 matters relating to environmental quality control."

8 2. By amending subsection (c) to read:

9 "(c) There is created an environmental council not to
10 exceed fifteen members. Except for the director, members of the
11 environmental council shall be appointed by the governor as
12 provided in section 26-34. The council shall be attached to the
13 department of [~~health~~] environment for administrative purposes.
14 Except for the director, the term of each member shall be four
15 years; provided that, of the members initially appointed, five
16 members shall serve for four years, five members shall serve for
17 three years, and the remaining four members shall serve for two
18 years. Vacancies shall be filled for the remainder of any
19 unexpired term in the same manner as original appointments. The
20 director shall be an ex officio voting member of the council.



1 The council chairperson shall be elected by the council from
2 among the appointed members of the council.

3 Members shall be appointed to assure a broad and balanced
4 representation of educational, business, and environmentally
5 pertinent disciplines and professions, such as the natural and
6 social sciences, the humanities, architecture, engineering,
7 environmental consulting, public health, and planning;
8 educational and research institutions with environmental
9 competence; agriculture, real estate, visitor industry,
10 construction, media, and voluntary community and environmental
11 groups. The members of the council shall serve without
12 compensation but shall be reimbursed for expenses, including
13 travel expenses, incurred in the discharge of their duties."

14 SECTION 16. Section 201-12, Hawaii Revised Statutes, is
15 repealed.

16 ~~["**§201-12** State program for energy planning and
17 conservation. The department shall develop a state program for
18 energy planning and conservation. The program shall consist of
19 short and long range planning for the development and
20 promulgation of methods to encourage voluntary conservation of
21 gasoline, diesel oil, natural gas, propane, heating oils, other~~



1 ~~fuels, and electrical energy, and efficient development of new~~
2 ~~or alternative sources of such fuels and energy. The~~
3 ~~information resulting from such methods is to be disseminated to~~
4 ~~the people of Hawaii through all forms of mass communication~~
5 ~~media, public and private schools, private and civic~~
6 ~~organizations, and all other appropriate means. Public~~
7 ~~information offices of other state and county agencies may be~~
8 ~~called upon for assistance in the development of such program."]~~

9 SECTION 17. Section 201-12.5, Hawaii Revised Statutes, is
10 repealed.

11 [~~§201-12.5 Renewable energy facilitator; establishment;~~
12 ~~duties. (a) There is established within the department of~~
13 ~~business, economic development, and tourism the position of~~
14 ~~renewable energy facilitator, which shall be a full-time,~~
15 ~~temporary position exempt from chapters 76 and 89. The~~
16 ~~renewable energy facilitator shall possess a requisite level of~~
17 ~~knowledge and expertise in the areas of renewable energy, state~~
18 ~~and county permitting processes, and management necessary to~~
19 ~~carry out the duties of the position.~~

20 (b) ~~The renewable energy facilitator shall have the~~
21 ~~following duties:~~



- 1 ~~(1) Facilitate the efficient permitting of renewable~~
2 ~~energy projects, including:~~
- 3 ~~(A) The land parcel on which the facility is~~
4 ~~situated;~~
- 5 ~~(B) Any renewable energy production structure or~~
6 ~~equipment;~~
- 7 ~~(C) Any energy transmission line from the facility to~~
8 ~~a public utility's electricity system; and~~
- 9 ~~(D) Any on site infrastructure necessary for the~~
10 ~~production of electricity or biofuel from the~~
11 ~~renewable energy site;~~
- 12 ~~(2) Initiate the implementation of key renewable energy~~
13 ~~projects by permitting various efficiency improvement~~
14 ~~strategies identified by the department;~~
- 15 ~~(3) Administer the day to day coordination for renewable~~
16 ~~energy projects on behalf of the department; and~~
- 17 ~~(4) Submit periodic reports to the legislature on~~
18 ~~renewable energy facilitation activities.~~
- 19 ~~(c) The renewable energy facilitator position shall be~~
20 ~~funded by the energy security special fund."]~~



1 SECTION 18. Section 201-12.8, Hawaii Revised Statutes, is
2 repealed.

3 [~~§201-12.8 Energy security special fund, uses. (a)~~

4 ~~There is created within the state treasury an energy security~~
5 ~~special fund, which shall consist of:~~

- 6 ~~(1) The portion of the environmental response, energy, and~~
7 ~~food security tax specified under section 243-3.5;~~
8 ~~(2) Moneys appropriated to the fund by the legislature;~~
9 ~~(3) All interest attributable to investment of money~~
10 ~~deposited in the fund; and~~
11 ~~(4) Moneys allotted to the fund from other sources,~~
12 ~~including under section 196-6.5.~~

13 ~~(b) Subject to legislative appropriation, moneys from the~~
14 ~~fund may be expended by the department of business, economic~~
15 ~~development, and tourism for the following purposes and used for~~
16 ~~no other purposes, except for those set forth in this section:~~

- 17 ~~(1) To support the Hawaii clean energy initiative program,~~
18 ~~including its energy division, including funding staff~~
19 ~~positions within the division, and projects that~~
20 ~~ensure dependable, efficient, and economical energy,~~



1 ~~promote energy self sufficiency, and provide greater~~
2 ~~energy security for the State;~~

3 ~~(2) To fund the renewable energy facilitator pursuant to~~
4 ~~section 201-12.5 and any other positions necessary for~~
5 ~~the purposes of paragraph (1) as determined by the~~
6 ~~legislature; and~~

7 ~~(3) To fund, to the extent possible, the greenhouse gas~~
8 ~~emissions reduction task force, climate change task~~
9 ~~force, grants in aid to the economic development~~
10 ~~boards of each county, and grants in aid to economic~~
11 ~~development agencies of each county to meet the stated~~
12 ~~objectives of the Hawaii clean energy initiative~~
13 ~~program.~~

14 ~~(c) The department of business, economic development, and~~
15 ~~tourism shall submit a report to the legislature, no later than~~
16 ~~twenty days prior to the convening of each regular session, on~~
17 ~~the status and progress of existing programs and activities and~~
18 ~~the status of new programs and activities funded by the energy~~
19 ~~security special fund. The report shall also include:~~

20 ~~(1) The spending plan of the energy security special fund;~~



- 1 ~~(2) All expenditures of energy security special fund~~
- 2 ~~moneys, and~~
- 3 ~~(3) The targeted markets of the expenditures, including~~
- 4 ~~the reason for selecting those markets, the persons to~~
- 5 ~~be served, and the specific objectives of the~~
- 6 ~~expenditures, including measurable outcomes."]~~

7 SECTION 19. Section 201-20, Hawaii Revised Statutes, is

8 repealed.

9 ~~"[~~§201-20~~] Building energy efficiency revolving loan~~

10 ~~fund. (a) There is established in the state treasury the~~

11 ~~building energy efficiency revolving loan fund which shall be~~

12 ~~administered by the department, and into which shall be~~

13 ~~deposited:~~

- 14 ~~(1) Funds from federal, state, county, private, or other~~
- 15 ~~funding sources;~~
- 16 ~~(2) Moneys received as repayment of loans and interest~~
- 17 ~~payments; and~~
- 18 ~~(3) Any fees collected by the department under this~~
- 19 ~~section.~~

20 ~~(b) Moneys in the building energy efficiency revolving~~

21 ~~loan fund shall be used to provide low or no interest loans or~~

1 ~~other authorized financial assistance to eligible public,~~
2 ~~private, and nonprofit borrowers to make energy efficiency~~
3 ~~improvements in buildings. Moneys from the fund may be used to~~
4 ~~cover administrative and legal costs of fund management and~~
5 ~~management associated with individual loans, to include~~
6 ~~personnel, services, technical assistance, data collection and~~
7 ~~reporting, materials, equipment, and travel for the purposes of~~
8 ~~this section.~~

9 ~~(c) Appropriations or authorizations from the fund shall~~
10 ~~be expended by the department. The department may contract with~~
11 ~~other public or private entities for the provision of all or a~~
12 ~~portion of the services necessary for the administration and~~
13 ~~implementation of the loan fund program. The department may set~~
14 ~~fees or charges for fund management and technical site~~
15 ~~assistance provided under this section. The department may~~
16 ~~adopt rules pursuant to chapter 91 to carry out the purposes of~~
17 ~~this section.~~

18 ~~(d) All interest earned on the deposit or investment of~~
19 ~~the moneys in the fund shall become a part of the fund.~~

20 ~~(e) The department may establish subaccounts within the~~
21 ~~fund as necessary."]~~



1 SECTION 20. All rights, powers, functions, and duties of
2 the department of health and the department of business,
3 economic development, and tourism relating to the office of
4 environmental quality control, the environmental council, the
5 energy office, and the programs relating to climate adaptation
6 planning in the office of planning are transferred to the
7 department of environment.

8 All employees who occupy civil service positions and whose
9 functions are transferred to the department of environment by
10 this Act shall retain their civil service status, whether
11 permanent or temporary. Employees shall be transferred without
12 loss of salary, seniority (except as prescribed by applicable
13 collective bargaining agreements), retention points, prior
14 service credit, any vacation and sick leave credits previously
15 earned, and other rights, benefits, and privileges, in
16 accordance with state personnel laws and this Act; provided that
17 the employees possess the minimum qualifications and public
18 employment requirements for the class or position to which
19 transferred or appointed, as applicable; provided further that
20 subsequent changes in status may be made pursuant to applicable
21 civil service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 retain the employee's exempt status, but shall not be appointed
4 to a civil service position as a consequence of this Act. An
5 exempt employee who is transferred by this Act shall not suffer
6 any loss of prior service credit, vacation or sick leave credits
7 previously earned, or other employee benefits or privileges as a
8 consequence of this Act; provided that the employees possess
9 legal and public employment requirements for the position to
10 which transferred or appointed, as applicable; provided further
11 that subsequent changes in status may be made pursuant to
12 applicable employment and compensation laws. The director of
13 environment may prescribe the duties and qualifications of these
14 employees and fix their salaries without regard to chapter 76,
15 Hawaii Revised Statutes.

16 SECTION 21. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the department of health and the department
20 of business, economic development, and tourism relating to the



1 functions transferred to the department of environment shall be
2 transferred with the functions to which they relate.

3 SECTION 22. All rules, policies, procedures, guidelines,
4 and other material adopted or developed by the department of
5 health and the department of business, economic development, and
6 tourism to implement provisions of the Hawaii Revised Statutes
7 which are reenacted or made applicable to the department of
8 environment by this Act, shall remain in full force and effect
9 until amended or repealed by the department of environment
10 pursuant to chapter 91, Hawaii Revised Statutes. In the
11 interim, every reference to the department of health or the
12 department of business, economic development, and tourism or
13 director of health or director of business, economic
14 development, and tourism in those rules, policies, procedures,
15 guidelines, and other material is amended to refer to the
16 department of environment or director of environment as
17 appropriate.

18 SECTION 23. Until the salary of the director of
19 environment is otherwise set pursuant to section 26-56, Hawaii
20 Revised Statutes, the director of environment shall be deemed a



1 tier 2 position in the commission on salaries report and
2 recommendations to the 2019 legislature.

3 SECTION 24. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 25. This Act shall take effect on July 1, 2100;
6 provided that sections 1 through 19 and sections 22 through 23
7 shall take effect on July 1, 2021.



Report Title:

Environment; Health; Business, Economic Development, and Tourism

Description:

Establishes and transfers to a Department of Environment certain agencies and programs administered by the Department of Health (the Office of Environmental Quality Control and the Environmental Council) and the Department of Business, Economic Development, and Tourism (the Energy Office and programs relating to climate adaptation planning in the Office of Planning) on July 1, 2021. (HB1586 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

