
A BILL FOR AN ACT

RELATING TO ENERGY DATA.

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

1 SECTION 1. The legislature finds that climate change poses
2 a serious environmental, economic, and public health threat
3 worldwide. Hawaii is particularly vulnerable to increases in
4 sea levels, storm intensity, flooding, and beach erosion that
5 result in disastrous impacts to the State.

6 The legislature finds that to address Hawaii's contribution
7 to climate change, it passed Act 234, Session Laws of Hawaii
8 2007, which mandated that the State of Hawaii reduce its
9 statewide greenhouse gas emissions to levels at or below 1990
10 levels by January 1, 2020.

11 The legislature further finds that section 342B-72, Hawaii
12 Revised Statutes, as enacted by section 8 of Act 234, Session
13 Laws of Hawaii 2007, mandated that the department of health
14 adopt rules to ensure that any greenhouse gas emission
15 reductions achieved are real, permanent, quantifiable,
16 verifiable, and enforceable by the director of health.



1 In 2014, pursuant to section 342B-72, Hawaii Revised
2 Statutes, the department of health adopted chapter 11-60.1,
3 subchapter 11, Hawaii Administrative Rules, to regulate
4 greenhouse gas emissions to achieve the 2020 emissions limit.

5 Section 11-60.1-204(k), Hawaii Administrative Rules,
6 requires that the department of health conduct an annual
7 evaluation, beginning in 2016, of progress to achieve the
8 statewide greenhouse gas emission limit in a manner consistent
9 with that done by the department of business, economic
10 development, and tourism in its preparation of the 1990
11 greenhouse gas emission estimates under Act 234, Session Laws of
12 Hawaii 2007.

13 Pursuant to section 342B-72, Hawaii Revised Statutes, and
14 section 11-60.1-204(k), Hawaii Administrative Rules, the
15 department of health is now responsible for preparing the annual
16 greenhouse gas progress reports that provide statewide
17 greenhouse gas emission inventory estimates and updates.

18 The annual reports are essential in order for the
19 department of health to assess the progress being made toward
20 achieving the 2020 greenhouse gas emissions limit, to estimate



1 uncertainties, and to support the determination of whether the
2 2020 limit has been met and will be sustained.

3 Currently, access to the energy data obtained via chapter
4 486J, Hawaii Revised Statutes, for compiling statewide
5 greenhouse gas inventories, is restricted to a few state
6 departments and authorized individuals. The department of
7 health is currently not one of the listed state departments
8 allowed access to this essential energy data. Without access to
9 the data, the department of health has been having difficulty
10 developing the most accurate and reliable estimates of the state
11 greenhouse gas emission levels possible.

12 The purpose of this Act is to add the department of health
13 to the list of state departments that have access to the energy
14 data collected pursuant to chapter 486J, Hawaii Revised
15 Statutes, in order to increase the accuracy and reduce the
16 levels of uncertainty in the department of health's annual
17 greenhouse gas progress reports.

18 SECTION 2. Section 486J-5.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§486J-5.5 Energy data collection program.** The department
21 shall establish the energy data collection program that includes



1 development and maintenance of an energy database system that
2 meets the requirements of government and industry, while
3 promoting sound policy making, greenhouse gas emission inventory
4 reporting, energy planning, energy assurance planning, and
5 energy security."

6 SECTION 3. Section 486J-6, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) Unless otherwise provided by law, with respect to
9 data that the commission or department obtained or was provided
10 pursuant to this chapter, neither the commission or department
11 nor any employee of the commission or department may do any of
12 the following:

- 13 (1) Use the information furnished or obtained for any
14 purpose other than the purposes for which it is
15 supplied;
- 16 (2) Make any publication whereby the data furnished by any
17 person can be identified; or
- 18 (3) Permit any person other than the commission, the
19 department of taxation, the attorney general, the
20 consumer advocate, the department of business,
21 economic development, and tourism, the department of



1 health, and the authorized representatives and
2 employees of each to examine the individual reports or
3 statements provided."

4 SECTION 4. Section 486J-7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§486J-7 Confidential information obtained by another**
7 **state agency.** Any confidential information pertinent to the
8 responsibilities of the commission or the department specified
9 in this chapter that is obtained by another state agency,
10 including the department of taxation, the attorney general, and
11 the consumer advocate, shall be available only to the attorney
12 general, the attorney general's authorized representatives, the
13 department of business, economic development, and tourism, the
14 department of health, and the commission and shall be treated in
15 a confidential manner."

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2030.



Report Title:

Greenhouse Gas Data; Department of Health

Description:

Permits the Department of Business, Economic Development, and Tourism to share energy data with the Department of Health for purposes of regulating greenhouse gas emissions. (SB1241 HD1)

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