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# A BILL FOR AN ACT

RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

1 PART I

2 SECTION 1. The legislature finds that, unlike most states,  
3 Hawaii has no executive-level department dedicated to the  
4 mission of environmental protection and implementing the  
5 environmental policy goals enacted by the legislature. Instead,  
6 these functions are dispersed among multiple departments that  
7 have differing missions that either do not focus on the  
8 importance of environmental protection or have internal  
9 conflicts.

10 The legislature further finds that because the ongoing  
11 climate crisis is one of the overarching issues of modern times,  
12 the protection of the State's environment and natural resources  
13 is more critical than ever. Although almost all issues are  
14 multi-jurisdictional, the legislature believes that creating an  
15 executive-level department to unite this important work under  
16 one administrative umbrella will lead to greater efficiency in



1 addressing Hawaii's environmental issues in a timely and  
2 proactive fashion.

3 The purpose of this Act is to:

- 4 (1) Establish a department of environmental protection on  
5 July 1, 2026; and  
6 (2) Transfer the Hawaii state energy office into a  
7 division within the department of environmental  
8 protection.

9 PART II

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

13 "§26- Department of environmental protection. (a) The  
14 department of environmental protection shall be headed by a  
15 single executive to be known as the director of environmental  
16 protection.

17 (b) The department of environmental protection shall  
18 manage energy and develop projects that protect the environment  
19 of the State.



1        (c) The director of environmental protection shall report  
2 to a seven-member board that consists of one member appointed by  
3 each of the following:

- 4        (1) The governor;
- 5        (2) President of the senate;
- 6        (3) Speaker of the house of representatives;
- 7        (4) Honolulu city council;
- 8        (5) Maui county council;
- 9        (6) Hawaii county council; and
- 10       (7) Kauai county council.

11 The members of the board shall not be subject to section 26-34."

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

14        "§26-4 Structure of government. Under the supervision of  
15 the governor, all executive and administrative offices,  
16 departments, and instrumentalities of the state government and  
17 their respective functions, powers, and duties shall be  
18 allocated among and within the following principal departments  
19 that are hereby established:

- 20        (1) Department of human resources development (Section  
21        26-5)



- 1           (2) Department of accounting and general services (Section
- 2                   26-6)
- 3           (3) Department of the attorney general (Section 26-7)
- 4           (4) Department of budget and finance (Section 26-8)
- 5           (5) Department of commerce and consumer affairs (Section
- 6                   26-9)
- 7           (6) Department of taxation (Section 26-10)
- 8           (7) University of Hawaii (Section 26-11)
- 9           (8) Department of education (Section 26-12)
- 10          (9) Department of health (Section 26-13)
- 11          (10) Department of human services (Section 26-14)
- 12          (11) Department of land and natural resources (Section
- 13                   26-15)
- 14          (12) Department of agriculture (Section 26-16)
- 15          (13) Department of Hawaiian home lands (Section 26-17)
- 16          (14) Department of business, economic development, and
- 17                   tourism (Section 26-18)
- 18          (15) Department of transportation (Section 26-19)
- 19          (16) Department of labor and industrial relations (Section
- 20                   26-20)
- 21          (17) Department of defense (Section 26-21)



1       (18) Department of public safety (Section 26-14.6) [-] and  
 2       (19) Department of environmental protection (Section  
 3       26- ) ."

PART III

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

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

11       (1) Commissioned and enlisted personnel of the Hawaii  
 12 National Guard as such, and positions in the Hawaii  
 13 National Guard that are required by state or federal  
 14 laws or regulations or orders of the National Guard to  
 15 be filled from those commissioned or enlisted  
 16 personnel;

17       (2) Positions filled by persons employed by contract where  
 18 the director of human resources development has  
 19 certified that the service is special or unique or is  
 20 essential to the public interest and that, because of  
 21 circumstances surrounding its fulfillment, personnel



1 to perform the service cannot be obtained through  
2 normal civil service recruitment procedures. Any  
3 [~~such~~] contract may be for any period not exceeding  
4 one year;

5 (3) Positions that must be filled without delay to comply  
6 with a court order or decree if the director  
7 determines that recruitment through normal recruitment  
8 civil service procedures would result in delay or  
9 noncompliance, such as the Felix-Cayetano consent  
10 decree;

11 (4) Positions filled by the legislature or by either house  
12 or any committee thereof;

13 (5) Employees in the office of the governor and office of  
14 the lieutenant governor, and household employees at  
15 Washington Place;

16 (6) Positions filled by popular vote;

17 (7) Department heads, officers, and members of any board,  
18 commission, or other state agency whose appointments  
19 are made by the governor or are required by law to be  
20 confirmed by the senate;



1           (8) Judges, referees, receivers, masters, jurors, notaries  
2           public, land court examiners, court commissioners, and  
3           attorneys appointed by a state court for a special  
4           temporary service;

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



1 first circuit, two additional law clerks for the civil  
2 motions judge of the circuit court of the first  
3 circuit, two additional law clerks for the criminal  
4 motions judge of the circuit court of the first  
5 circuit, and two law clerks for the administrative  
6 judge of the district court of the first circuit; and  
7 one private secretary for the administrative director  
8 of the courts, the deputy administrative director of  
9 the courts, each department head, each deputy or first  
10 assistant, and each additional deputy, or assistant  
11 deputy, or assistant defined in paragraph (16);

12 (10) First deputy and deputy attorneys general, the  
13 administrative services manager of the department of  
14 the attorney general, one secretary for the  
15 administrative services manager, an administrator and  
16 any support staff for the criminal and juvenile  
17 justice resources coordination functions, and law  
18 clerks;

19 (11) (A) Teachers, principals, vice-principals, complex  
20 area superintendents, deputy and assistant  
21 superintendents, other certificated personnel,



1 not more than twenty noncertificated  
2 administrative, professional, and technical  
3 personnel not engaged in instructional work;  
4 (B) Effective July 1, 2003, teaching assistants,  
5 educational assistants, bilingual/bicultural  
6 school-home assistants, school psychologists,  
7 psychological examiners, speech pathologists,  
8 athletic health care trainers, alternative school  
9 work study assistants, alternative school  
10 educational/supportive services specialists,  
11 alternative school project coordinators, and  
12 communications aides in the department of  
13 education;  
14 (C) The special assistant to the state librarian and  
15 one secretary for the special assistant to the  
16 state librarian; and  
17 (D) Members of the faculty of the University of  
18 Hawaii, including research workers, extension  
19 agents, personnel engaged in instructional work,  
20 and administrative, professional, and technical  
21 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 Hawaii state energy [~~office~~] division in the  
2           department of [~~business, economic development, and~~  
3           ~~tourism,~~] environmental protection, all energy program  
4           managers, energy program specialists, energy program  
5           assistants, and energy analysts;
- 6           (28) Administrative appeals hearing officers in the  
7           department of human services;
- 8           (29) In the Med-QUEST division of the department of human  
9           services, the division administrator, finance officer,  
10          health care services branch administrator, medical  
11          director, and clinical standards administrator;
- 12          (30) In the director's office of the department of human  
13          services, the enterprise officer, information security  
14          and privacy compliance officer, security and privacy  
15          compliance engineer, and security and privacy  
16          compliance analyst;
- 17          (31) The Alzheimer's disease and related dementia services  
18          coordinator in the executive office on aging;
- 19          (32) In the Hawaii emergency management agency, the  
20          executive officer, public information officer, civil  
21          defense administrative officer, branch chiefs, and



1 emergency operations center state warning point  
 2 personnel; provided that, for state warning point  
 3 personnel, the director shall determine that  
 4 recruitment through normal civil service recruitment  
 5 procedures would result in delay or noncompliance; and  
 6 [f] (33) [f] The executive director and seven full-time  
 7 administrative positions of the school facilities  
 8 authority.

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

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

13 SECTION 5. Part V of chapter 196, Hawaii Revised Statutes,  
 14 is amended by amending its title to read as follows:

15 "[f] PART V. [f] HAWAII STATE ENERGY [OFFICE] DIVISION"

16 SECTION 6. Section 196-71, Hawaii Revised Statutes, is  
 17 amended to read as follows:

18 "[f] §196-71 [f] Hawaii state energy [~~office,~~] division;  
 19 established. (a) There is established the Hawaii state energy  
 20 [~~office, which shall be a public body politic and an~~  
 21 ~~instrumentality and agency of the State. The office shall be~~



1 placed] division within the department of [~~business, economic~~  
2 ~~development, and tourism for administrative purposes, pursuant~~  
3 ~~to section 26-35.~~] environmental protection. The purpose of the  
4 Hawaii state energy [~~office~~] division shall be to promote energy  
5 efficiency, renewable energy, and clean transportation to help  
6 achieve a resilient clean energy economy.

7 (b) The Hawaii state energy [~~office~~] division shall:

- 8 (1) Provide analysis and planning to actively develop and  
9 inform policies to achieve energy efficiency,  
10 renewable energy, energy resiliency, and clean  
11 transportation goals with the legislature, public  
12 utilities commission, state agencies, and other  
13 relevant stakeholders;
- 14 (2) Lead efforts to incorporate energy efficiency,  
15 renewable energy, energy resiliency, and clean  
16 transportation to reduce costs and achieve clean  
17 energy goals across all public facilities;
- 18 (3) Provide renewable energy, energy efficiency, energy  
19 resiliency, and clean transportation project  
20 deployment facilitation to assist private sector



1 project completion when aligned with state energy  
2 goals; and

3 (4) Engage the private sector to help lead efforts to  
4 achieve renewable energy and clean transportation  
5 goals through the Hawaii clean energy initiative.

6 (c) The Hawaii state energy [~~office~~] division shall be the  
7 State's primary government entity for supporting the clean  
8 energy initiative.

9 (d) No later than twenty days prior to the convening of  
10 each regular session, the Hawaii state energy [~~office~~] division  
11 shall submit a report to the legislature that includes:

12 (1) A description of the activities of the Hawaii state  
13 energy [~~office~~] division in response to the directives  
14 established pursuant to subsection (b) and section  
15 196-72(d), along with progress in meeting any of the  
16 Hawaii state energy [~~office~~] division goals  
17 established in or pursuant to this part;

18 (2) Progress by the State in meeting its energy  
19 efficiency, renewable energy, and clean transportation  
20 goals; and

21 (3) Proposed legislation, if any."



1 SECTION 7. On July 1, 2026, the budget of the Hawaii state  
2 energy office shall be transferred to the department of  
3 environmental protection.

4 SECTION 8. All appropriations, records, equipment,  
5 machines, files, supplies, contracts, books, papers, documents,  
6 maps, and other personal property heretofore made, used,  
7 acquired, or held by the Hawaii state energy office within the  
8 department of business, economic development, and tourism,  
9 relating to the functions transferred to the department of  
10 environmental protection shall be transferred with the functions  
11 to which they relate.

12 SECTION 9. All rights, powers, functions, and duties of  
13 the Hawaii state energy office within the department of  
14 business, economic development, and tourism and established  
15 pursuant to section 196-71, Hawaii Revised Statutes, are  
16 transferred to the department of environmental protection.

17 All employees who occupy civil service positions and whose  
18 functions are transferred to the department of environmental  
19 protection by this Act shall retain their civil service status,  
20 whether permanent or temporary. Employees shall be transferred  
21 without loss of salary, seniority (except as prescribed by



1 applicable collective bargaining agreements), retention points,  
2 prior service credit, any vacation and sick leave credits  
3 previously earned, and other rights, benefits, and privileges,  
4 in accordance with state personnel laws and this Act; provided  
5 that the employees possess the minimum qualifications and public  
6 employment requirements for the class or position to which  
7 transferred or appointed, as applicable; provided further that  
8 subsequent changes in status may be made pursuant to applicable  
9 civil service and compensation laws.

10 Any employee who, prior to this Act, is exempt from civil  
11 service and is transferred as a consequence of this Act may  
12 retain the employee's exempt status, but shall not be appointed  
13 to a civil service position as a consequence of this Act. An  
14 exempt employee who is transferred by this Act shall not suffer  
15 any loss of prior service credit, vacation or sick leave credits  
16 previously earned, or other employee benefits or privileges as a  
17 consequence of this Act; provided that the employees possess  
18 legal and public employment requirements for the position to  
19 which transferred or appointed, as applicable; provided further  
20 that subsequent changes in status may be made pursuant to  
21 applicable employment and compensation laws. The director of



1 environmental protection may prescribe the duties and  
2 qualifications of these employees and fix their salaries without  
3 regard to chapter 76, Hawaii Revised Statutes.

4 SECTION 10. Section 107-22, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) There is established a state building code council.  
7 The council shall be placed within the department of accounting  
8 and general services for administrative purposes only. The  
9 council shall consist of eleven voting members and one nonvoting  
10 member, who shall be the comptroller or the comptroller's  
11 designee. The council members shall serve four-year terms. The  
12 voting members shall include:

- 13 (1) One county building official from each of the four  
14 counties appointed by the mayor;
- 15 (2) One member representing the state fire council;
- 16 (3) One member representing the department of labor and  
17 industrial relations who has significant experience in  
18 elevator safety;
- 19 (4) One member representing the Hawaii state energy  
20 [~~office~~] division of the department of [~~business,~~



1           ~~economic development, and tourism,]~~ environment  
2           protection;

3           (5) One member representing the Structural Engineers  
4           Association of Hawaii;

5           (6) One member representing the American Institute of  
6           Architects, Hawaii State Council;

7           (7) One member representing the Building Industry  
8           Association of Hawaii or the General Contractors  
9           Association of Hawaii, who has significant experience  
10          with building codes, with alternating four-year terms  
11          between the two organizations and the first four-year  
12          term to be served by the Building Industry Association  
13          of Hawaii; and

14          (8) One member representing the Subcontractors'  
15          Association of Hawaii who has significant experience  
16          with building codes."

17          SECTION 11. Sections 125C-22, 125C-23, 125C-31, 141-9,  
18          196-5, 196-6.5, 196-11, 196-30, 196-63, 196-72, 201-12.8,  
19          206M-3, 206M-23, 206M-24, 264-20.7, 269-72, 286-172, 304A-1891,  
20          304A-1892, 304A-1894.1, and 304A-1969, Hawaii Revised Statutes,  
21          are amended by substituting the phrase "Hawaii state energy



1 division", wherever the phrase "state energy office", or similar  
2 term, appears, as the context requires.

3 PART IV

4 SECTION 12. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 13. This Act shall take effect on July 1, 2100;  
7 provided that parts II and III of this Act shall take effect on  
8 July 1, 2026.



**Report Title:**

Department of Environmental Protection; Board of Environmental Protection; Hawaii State Energy Office

**Description:**

Establishes a Department of Environmental Protection on July 1, 2026. Transfers the Hawaii State Energy Office into a division within the Department of Environmental Protection. Effective 7/1/2100. (SD2)

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

