

JAN 24 2024

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**A BILL FOR AN ACT**

RELATING TO CLIMATE.

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

1           SECTION 1. The legislature finds that climate change is an  
2 existential threat globally. The effects of climate change are  
3 evident as people and communities the world over are  
4 experiencing the dire effects of climate change. Climate change  
5 is directly contributing to humanitarian and environmental  
6 emergencies from heatwaves, wildfires, droughts, floods, and  
7 tropical storms to hurricanes. Moreover, these emergencies are  
8 increasing in scale, frequency, and intensity. In 2021, Hawaii  
9 was the first state to declare a climate emergency.

10           The legislature recognizes that combating climate change  
11 requires able leadership at the state level to take meaningful  
12 and proactive action to combat this state crisis, promote  
13 renewable energy, and build a clean energy economy. The  
14 legislature further finds that a senior advisor on climate is  
15 necessary to serve as a principal leader in the areas of state  
16 energy and climate to reduce the effects of climate change. In  
17 addition, a senior advisor on climate position would be critical

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1 to state, county, and federal leadership collaborative policies  
2 and actions in addressing climate change.

3 The purpose of this Act is to establish a senior advisor on  
4 climate position within the office of planning and sustainable  
5 development to serve in an advisory role in providing guidance  
6 to the governor in reducing climate change and addressing the  
7 impacts of the climate crisis on the State.

8 SECTION 2. Chapter 225M, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 "§225M- Senior advisor on climate; established. (a)

12 There is established the position of senior advisor on climate,  
13 which shall be placed within the office of planning and  
14 sustainable development and report to the governor.

15 (b) The senior advisor on climate shall:

16 (1) Serve in an advisory role in providing guidance to the  
17 governor in reducing climate change and addressing the  
18 impacts of the climate crisis on the State;

19 (2) Advise the governor on priorities, policies,  
20 initiatives, and areas related to climate change;

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1        (3) Help integrate climate solutions, including adaptation  
2                    and mitigation strategies across state departments and  
3                    agencies;

4        (4) Assist in the coordination and implementation of  
5                    funding and policies for clean energy, climate, and  
6                    resiliency initiatives;

7        (5) Foster collaboration on climate initiatives across  
8                    state departments and agencies, federal and county  
9                    governments, and the private and nonprofit sectors;  
10                   and

11       (6) Serve as a member on the Hawaii climate change  
12                   mitigation and adaptation commission.

13       (c) The senior advisor on climate shall be nominated by  
14 the governor and, by and with the advice and consent of the  
15 senate, appointed by the governor without regard to chapters 76  
16 and 89.

17       (d) The senior advisor on climate shall hold office for a  
18 term to expire at the end of the term for which the governor was  
19 elected, unless sooner removed by the governor."

20       SECTION 3. Section 76-16, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:

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

5           (1) Commissioned and enlisted personnel of the Hawaii  
6 National Guard as such, and positions in the Hawaii  
7 National Guard that are required by state or federal  
8 laws or regulations or orders of the National Guard to  
9 be filled from those commissioned or enlisted  
10 personnel;

11           (2) Positions filled by persons employed by contract where  
12 the director of human resources development has  
13 certified that the service is special or unique or is  
14 essential to the public interest and that, because of  
15 circumstances surrounding its fulfillment, personnel  
16 to perform the service cannot be obtained through  
17 normal civil service recruitment procedures. Any such  
18 contract may be for any period not exceeding one year;

19           (3) Positions that must be filled without delay to comply  
20 with a court order or decree if the director  
21 determines that recruitment through normal recruitment  
22 civil service procedures would result in delay or

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- 1 noncompliance, such as the Felix-Cayetano consent  
2 decree;
- 3 (4) Positions filled by the legislature or by either house  
4 or any committee thereof;
- 5 (5) Employees in the office of the governor and office of  
6 the lieutenant governor, and household employees at  
7 Washington Place;
- 8 (6) Positions filled by popular vote;
- 9 (7) Department heads, officers, and members of any board,  
10 commission, or other state agency whose appointments  
11 are made by the governor or are required by law to be  
12 confirmed by the senate;
- 13 (8) Judges, referees, receivers, masters, jurors, notaries  
14 public, land court examiners, court commissioners, and  
15 attorneys appointed by a state court for a special  
16 temporary service;
- 17 (9) One bailiff for the chief justice of the supreme court  
18 who shall have the powers and duties of a court  
19 officer and bailiff under section 606-14; one  
20 secretary or clerk for each justice of the supreme  
21 court, each judge of the intermediate appellate court,  
22 and each judge of the circuit court; one secretary for

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1 the judicial council; one deputy administrative  
2 director of the courts; three law clerks for the chief  
3 justice of the supreme court, two law clerks for each  
4 associate justice of the supreme court and each judge  
5 of the intermediate appellate court, one law clerk for  
6 each judge of the circuit court, two additional law  
7 clerks for the civil administrative judge of the  
8 circuit court of the first circuit, two additional law  
9 clerks for the criminal administrative judge of the  
10 circuit court of the first circuit, one additional law  
11 clerk for the senior judge of the family court of the  
12 first circuit, two additional law clerks for the civil  
13 motions judge of the circuit court of the first  
14 circuit, two additional law clerks for the criminal  
15 motions judge of the circuit court of the first  
16 circuit, and two law clerks for the administrative  
17 judge of the district court of the first circuit; and  
18 one private secretary for the administrative director  
19 of the courts, the deputy administrative director of  
20 the courts, each department head, each deputy or first  
21 assistant, and each additional deputy, or assistant  
22 deputy, or assistant defined in paragraph (16);

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1           (10) First deputy and deputy attorneys general, the  
2           administrative services manager of the department of  
3           the attorney general, one secretary for the  
4           administrative services manager, an administrator and  
5           any support staff for the criminal and juvenile  
6           justice resources coordination functions, and law  
7           clerks;

8           (11) (A) Teachers, principals, vice-principals, complex  
9           area superintendents, deputy and assistant  
10          superintendents, other certificated personnel, no  
11          more than twenty noncertificated administrative,  
12          professional, and technical personnel not engaged  
13          in instructional work;

14          (B) Effective July 1, 2003, teaching assistants,  
15          educational assistants, bilingual/bicultural  
16          school-home assistants, school psychologists,  
17          psychological examiners, speech pathologists,  
18          athletic health care trainers, alternative school  
19          work study assistants, alternative school  
20          educational/supportive services specialists,  
21          alternative school project coordinators, and

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- 1                   communications aides in the department of  
2                   education;
- 3                   (C) The special assistant to the state librarian and  
4                   one secretary for the special assistant to the  
5                   state librarian; and
- 6                   (D) Members of the faculty of the University of  
7                   Hawaii, including research workers, extension  
8                   agents, personnel engaged in instructional work,  
9                   and administrative, professional, and technical  
10                  personnel of the university;
- 11                 (12) Employees engaged in special, research, or  
12                  demonstration projects approved by the governor;
- 13                 (13) (A) Positions filled by inmates, patients of state  
14                  institutions, persons with severe physical or  
15                  mental disabilities participating in the work  
16                  experience training programs;
- 17                 (B) Positions filled with students in accordance with  
18                  guidelines for established state employment  
19                  programs; and
- 20                 (C) Positions that provide work experience training  
21                  or temporary public service employment that are  
22                  filled by persons entering the workforce or



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1 persons transitioning into other careers under  
2 programs such as the federal Workforce Investment  
3 Act of 1998, as amended, or the Senior Community  
4 Service Employment Program of the Employment and  
5 Training Administration of the United States  
6 Department of Labor, or under other similar state  
7 programs;

8 (14) A custodian or guide at Iolani Palace, the Royal  
9 Mausoleum, and Hulihee Palace;

10 (15) Positions filled by persons employed on a fee,  
11 contract, or piecework basis, who may lawfully perform  
12 their duties concurrently with their private business  
13 or profession or other private employment and whose  
14 duties require only a portion of their time, if it is  
15 impracticable to ascertain or anticipate the portion  
16 of time to be devoted to the service of the State;

17 (16) Positions of first deputies or first assistants of  
18 each department head appointed under or in the manner  
19 provided in section 6, article V, of the Hawaii State  
20 Constitution; three additional deputies or assistants  
21 either in charge of the highways, harbors, and  
22 airports divisions or other functions within the

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1 department of transportation as may be assigned by the  
2 director of transportation, with the approval of the  
3 governor; one additional deputy in the department of  
4 human services either in charge of welfare or other  
5 functions within the department as may be assigned by  
6 the director of human services; four additional  
7 deputies in the department of health, each in charge  
8 of one of the following: behavioral health,  
9 environmental health, hospitals, and health resources  
10 administration, including other functions within the  
11 department as may be assigned by the director of  
12 health, with the approval of the governor; two  
13 additional deputies in charge of the law enforcement  
14 programs, administration, or other functions within  
15 the department of law enforcement as may be assigned  
16 by the director of law enforcement, with the approval  
17 of the governor; three additional deputies each in  
18 charge of the correctional institutions,  
19 rehabilitation services and programs, and  
20 administration or other functions within the  
21 department of corrections and rehabilitation as may be  
22 assigned by the director of corrections and

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1 rehabilitation, with the approval of the governor; an  
2 administrative assistant to the state librarian; and  
3 an administrative assistant to the superintendent of  
4 education;

5 (17) Positions specifically exempted from this part by any  
6 other law; provided that:

7 (A) Any exemption created after July 1, 2014, shall  
8 expire three years after its enactment unless  
9 affirmatively extended by an act of the  
10 legislature; and

11 (B) All of the positions defined by paragraph (9)  
12 shall be included in the position classification  
13 plan;

14 (18) Positions in the state foster grandparent program and  
15 positions for temporary employment of senior citizens  
16 in occupations in which there is a severe personnel  
17 shortage or in special projects;

18 (19) Household employees at the official residence of the  
19 president of the University of Hawaii;

20 (20) Employees in the department of education engaged in  
21 the supervision of students during meal periods in the  
22 distribution, collection, and counting of meal

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- 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;

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- 1       (27)   In the state energy office in the department of  
2           business, economic development, and tourism, all  
3           energy program managers, energy program specialists,  
4           energy program assistants, and energy analysts;
- 5       (28)   Administrative appeals hearing officers in the  
6           department of human services;
- 7       (29)   In the Med-QUEST division of the department of human  
8           services, the division administrator, finance officer,  
9           health care services branch administrator, medical  
10          director, and clinical standards administrator;
- 11      (30)   In the director's office of the department of human  
12          services, the enterprise officer, information security  
13          and privacy compliance officer, security and privacy  
14          compliance engineer, security and privacy compliance  
15          analyst, information technology implementation  
16          manager, assistant information technology  
17          implementation manager, resource manager,  
18          community/project development director, policy  
19          director, special assistant to the director, and  
20          limited English proficiency project  
21          manager/coordinator;

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- 1       (31) The Alzheimer's disease and related dementia services  
2            coordinator in the executive office on aging;
- 3       (32) In the Hawaii emergency management agency, the  
4            executive officer, public information officer, civil  
5            defense administrative officer, branch chiefs, and  
6            emergency operations center state warning point  
7            personnel; provided that for state warning point  
8            personnel, the director shall determine that  
9            recruitment through normal civil service recruitment  
10          procedures would result in delay or noncompliance;
- 11       (33) The executive director and seven full-time  
12            administrative positions of the school facilities  
13            authority;
- 14       (34) Positions in the Mauna Kea stewardship and oversight  
15            authority;
- 16       (35) In the office of homeland security of the department  
17            of law enforcement, the statewide interoperable  
18            communications coordinator; [~~and~~]
- 19       (36) In the social services division of the department of  
20            human services, the business technology analyst[-];  
21            and

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1        (37) In the office of planning and sustainable development,  
2                the senior advisor on climate.

3                The director shall determine the applicability of this  
4 section to specific positions.

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

7                SECTION 4. Section 225P-3, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9                "(c) The commission shall include the following members:

- 10                (1) The chairs of the standing committees of the  
11                        legislature with subject matter jurisdiction  
12                        encompassing environmental protection and land use;
- 13                (2) The chairperson of the board of land and natural  
14                        resources or the chairperson's designee, who shall be  
15                        the co-chair of the commission;
- 16                (3) The director of the office of planning and sustainable  
17                        development or the director's designee, who shall be  
18                        the co-chair of the commission;
- 19                (4) The director of business, economic development, and  
20                        tourism or the director's designee;

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- 1           (5) The chairperson of the board of directors of the  
2           Hawaii tourism authority or the chairperson's  
3           designee;
- 4           (6) The chairperson of the board of agriculture or the  
5           chairperson's designee;
- 6           (7) The chief executive officer of the office of Hawaiian  
7           affairs or the officer's designee;
- 8           (8) The chairperson of the Hawaiian homes commission or  
9           the chairperson's designee;
- 10          (9) The director of transportation or the director's  
11          designee;
- 12          (10) The director of health or the director's designee;
- 13          (11) The adjutant general or the adjutant general's  
14          designee;
- 15          (12) The chairperson of the board of education or the  
16          chairperson's designee;
- 17          (13) The senior advisor on climate;
- 18          ~~[(13)]~~ (14) The directors of each of the county planning  
19          departments, or the directors' designees; and
- 20          ~~[(14)]~~ (15) The manager of the coastal zone management  
21          program. "



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1 SECTION 5. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$175,000 or so much  
3 thereof as may be necessary for fiscal year 2024-2025 for the  
4 establishment of the one full-time equivalent (1.00 FTE)  
5 permanent senior advisor on climate position.

6 The sum appropriated shall expended by the department of  
7 business, economic development, and tourism for the purposes of  
8 this Act.

9 SECTION 6. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect upon its approval;  
12 provided that section 5 shall take effect on July 1, 2024.

13

14

INTRODUCED BY: 

15

BY REQUEST

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**Report Title:**

OPSD; Senior Advisor on Climate; Climate Change; Civil Service Exemption; Appropriation

**Description:**

Establishes the senior advisor on climate position within the Office of Planning and Sustainable Development. Makes the senior advisor on climate a member of the Hawaii Climate Change Mitigation and Adaptation Commission. Appropriates funds.

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

JUSTIFICATION SHEET

DEPARTMENT: GOVERNOR

TITLE: A BILL FOR AN ACT RELATING TO CLIMATE.

PURPOSE: To establish a senior advisor on climate position within the Office of Planning and Sustainable Development to serve in an advisory role in providing guidance to the governor in reducing climate change and addressing the impacts of the climate crisis on the State, make the senior advisor on climate a member of the Hawaii Climate Change Mitigation and Adaptation Commission, and appropriate funds for the senior advisor on climate position.

MEANS: Add a new section to chapter 225M, Hawaii Revised Statutes (HRS); amend sections 76-16(b) and 225P-3(c), HRS; and appropriate general funds.

JUSTIFICATION: Climate change is an existential threat to our State and globally. Climate change is directly contributing to humanitarian and environmental emergencies from heatwaves, wildfires, droughts, floods, and tropical storms to hurricanes. The dire effects of climate change are impacting health, the environment, and the economy in our State. Combating climate change requires able leadership at the state level to take meaningful and proactive action to combat this crisis in Hawaii. A senior advisor on climate is also necessary to serve as an advisor to the governor in the areas of State energy and climate to reduce the effects of climate change.

Impact on the public: The senior advisor on climate will reinforce leadership at the state level in combating climate change and furthering cohesion and collaborative efforts among the state, federal, and county governments, and private and nonprofit

sectors in addressing this crisis in the State.

Impact on the department and other agencies:  
None.

GENERAL FUND: \$175,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED-144.

OTHER AFFECTED  
AGENCIES: Department of Business, Economic Development and Tourism - Office of Planning and Sustainable Development; Department of Land and Natural Resources - Hawaii Climate Change Mitigation and Adaptation Commission.

EFFECTIVE DATE: Upon approval, except for section 5, which takes effect on July 1, 2024.