

ACT 15

H.B. NO. 2182

A Bill for an Act Relating to Environmental Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, according to the Hawaii Sea Level Rise Vulnerability and Adaptation Report released in December 2017, Hawaii could suffer \$19,000,000,000 in damage due to projected sea level rise. Worldwide, natural disasters are becoming more severe and frequent. In the United States alone, natural disasters inflicted a record \$306,000,000,000 worth of damage, breaking the previous record by almost \$100,000,000. Rising global temperatures threaten biodiversity in every ecosystem, and habitat loss grows as higher temperatures permanently change the life cycles of plants and animals.

The legislature further finds that Hawaii is committed to mitigating climate change, including its commitment to have a one hundred per cent renewable

energy portfolio by 2045. Mayors from each county of the State have pledged to end the State's dependence on fossil fuels by eliminating fossil fuels from ground transportation by 2045. By legally binding itself to these benchmarks, Hawaii became the first state in the nation to send a clear message to the world that our citizens are determined to secure their energy future and climate health. The legislature notes that Hawaii, as part of the United States Climate Alliance, joined leaders from every other country on earth and committed to upholding the objectives of the 2015 Paris Agreement.

In Act 32, Session Laws of Hawaii 2017, the legislature recognized that climate change is real and poses a serious threat to the State's economy, sustainability, and natural resources. In Act 32, the State committed to expanding strategies and mechanisms to reduce greenhouse gas emissions statewide, striving to formulate and communicate long-term low greenhouse gas emission development strategies, and taking actions to conserve and enhance long-term sinks and reservoirs of greenhouse gases, by prioritizing the development of parks, greenways, and restoration of native upland and coastal forests and wetlands.

Greenhouse gas sequestration presents ample opportunities for foreign investment in the State's economy. Airlines have demonstrated a desire to invest globally-required carbon offset dollars in Hawaii's environmental projects, as well in as other carbon markets such as California. Companies, governments, and other individuals would also like to offset their carbon footprint by investing in environmental projects such as renewable energies. This interest presents tremendous opportunities for local businesses, agriculture, and communities in general. In Act 33, Session Laws of Hawaii 2017, the State established the carbon farming task force to gain a more thorough understanding of how agricultural land management practices can sequester carbon, provide greenhouse gas benefits, and decrease marine sedimentation. The legislature finds that a parallel effort is needed to examine ways to add green canopy to urban areas to curb rising temperatures that have hospitalized and killed residents of this State.

Accordingly, the purpose of this Act is to:

- (1) Repeal Act 33, Session Laws of Hawaii 2017 (Act 33), and create a new task force named as the greenhouse gas sequestration task force which has similar aims as the carbon farming task force created by Act 33, but expands and makes it permanent;
- (2) Align the State's clean energy and carbon sequestration efforts with climate initiative goals, and require that a member of the greenhouse gas sequestration task force also be a member of the climate change mitigation and adaptation commission; and
- (3) Expand the mission of the greenhouse gas sequestration task force by requiring that the task force examine opportunities to exploit carbon sequestering trees and vegetation to reduce urban temperatures and thereby protect public health.

SECTION 2. Chapter 225P, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§225P-A Greenhouse gas sequestration task force. (a) The greenhouse gas sequestration task force is established within the office of planning for administrative purposes only. The task force shall have the following objectives:

- (1) Work with public and private stakeholders to establish a baseline for greenhouse gas emissions within Hawaii and short- and long-term benchmarks for increasing greenhouse gas sequestration in the State's agricultural and natural environment;

- (2) Identify appropriate criteria to measure baseline levels and increases in greenhouse gas sequestration, improvements in soil health, increases in agricultural and aquacultural product yield and quality attributable to greenhouse gas sequestration and improvements in soil health, and other key indicators of greenhouse gas benefits from beneficial agricultural and aquacultural practices that may be used to create a certification program for promoting agricultural and aquacultural practices that generate greenhouse gas benefits and agricultural and aquacultural production benefits;
- (3) Identify land and marine use policies, agricultural policies, agroforestry policies, and mitigation options that would encourage agricultural and aquacultural practices and land use practices that would promote increased greenhouse gas sequestration, build healthy soils, and provide greenhouse gas benefits;
- (4) Identify ways to increase the generation and use of compost in Hawaii to build healthy soils;
- (5) Identify practices and policies that add trees or vegetation to expand the urban tree canopy in urban areas to reduce ambient temperatures, increase climate resiliency, and improve greenhouse gas sequestration in Hawaii; and
- (6) Make recommendations to the legislature and governor regarding measures that would increase climate resiliency, build healthy soils, provide greenhouse gas benefits, or cool urban areas.

(b) In addition to the objectives listed in subsection (a), the task force may consider:

- (1) Developing incentives and funding mechanisms for these incentives, including but not limited to:
 - (A) Loans, tax credits, or grants;
 - (B) Research;
 - (C) Technical assistance; or
 - (D) Educational materials and outreach,to participating agricultural activities, aquacultural activities, or on-farm demonstration projects that are identified and approved by the task force as those that would promote greenhouse gas benefits, build healthy soils, sequester carbon, increase water-holding capacity, and increase crop yields; and
- (2) Providing for research, education, and technical support for agricultural activities and aquacultural activities identified by the task force.

(c) The membership of the greenhouse gas sequestration task force shall be as follows:

- (1) The director of the office of planning or the director's designee, who shall serve as chairperson;
- (2) The chairperson of the board of agriculture or the chairperson's designee;
- (3) The chairperson of the board of land and natural resources or the chairperson's designee;
- (4) The director of transportation or the director's designee;
- (5) The deputy director of the department of health's environmental health administration or the deputy director's designee;
- (6) The director of the office of environmental quality control or the director's designee;
- (7) The director of the environmental law program at the University of Hawaii at Manoa William S. Richardson school of law;

- (8) The administrator of the division of forestry and wildlife within the department of land and natural resources or the administrator's designee;
- (9) One member who is also a member of the climate change mitigation and adaptation commission;
- (10) One researcher from the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (11) One extension agent from the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (12) Four members, one each to be appointed by the respective mayors of the city and county of Honolulu, and the counties of Hawaii, Kauai, and Maui; and
- (13) Four members to be jointly selected and invited to participate by the president of the senate and the speaker of the house of representatives, of which two members shall be selected from an environmental nonprofit organization, and two members shall be selected from an agricultural or ranching association.

Task force members may recommend to the task force additional members with appropriate specialized expertise, subject to approval by the chairperson.

(d) Members of the task force shall be nominated and appointed pursuant to, and subject to section 26-34 and shall serve without compensation, but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses.

(e) The greenhouse gas sequestration task force shall:

- (1) Submit a preliminary report of its findings and recommendations, including any proposed legislation, to the legislature and the climate change mitigation and adaptation commission no later than twenty days prior to the convening of the regular session of 2023; provided that the preliminary report shall discuss the objectives and issues listed in subsections (a) and (b), including the following:
 - (A) Types of agricultural and aquacultural practices, public land and marine use policies, and on-farm managing practices that would provide greenhouse gas benefits and result in tangible economic benefits to agricultural and aquacultural operations;
 - (B) Short-term and long-term benchmarks that would indicate how effectively agricultural and aquacultural activities have been helping the State to reach greenhouse gas neutrality;
 - (C) Appropriate criteria that may be used in a certification program to measure baseline levels and increases in carbon sequestration, improvements in soil health, and other key indicators of greenhouse gas benefits from beneficial agricultural and aquacultural practices;
 - (D) Types of incentives, grants, research, and assistance that would promote:
 - (i) Agricultural and aquacultural practices to produce greenhouse gas benefits; and
 - (ii) Land and marine use policies and agricultural policies that would encourage agricultural, aquacultural, and land use practices to provide greenhouse gas benefits and result in tangible economic benefits to agricultural and aquacultural operations; and
 - (E) Practices and policies that add trees or vegetation to expand the urban tree canopy in urban areas to reduce ambient tem-

peratures and increase climate resiliency and improve greenhouse gas sequestration in Hawaii; and

- (2) Beginning with the regular session of 2024, submit an annual report of its findings and recommendations, including any proposed legislation, to the legislature and the climate change mitigation and adaptation commission no later than twenty days prior to the convening of each regular session.

(f) The office of planning shall provide administrative and clerical support required by the task force.

§225P-B Zero emissions clean economy target. (a) Considering both atmospheric carbon and greenhouse gas emissions as well as offsets from the local sequestration of atmospheric carbon and greenhouse gases through long-term sinks and reservoirs, a statewide target is hereby established to sequester more atmospheric carbon and greenhouse gases than emitted within the State as quickly as practicable, but no later than 2045.

(b) The Hawaii climate change mitigation and adaptation commission shall endeavor to achieve the goals of this section. After January 1, 2020, agency plans, decisions, and strategies shall give consideration to the impact of those plans, decisions, and strategies on the State’s ability to achieve the goals in this section, weighed appropriately against their primary purpose.”

SECTION 3. Section 225P-1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§225P-1]]~~ **Purpose.** The purpose of this chapter is to address the effects of climate change to protect the State’s economy, environment, health, and way of life. This chapter establishes the framework for the State to:

- (1) Adapt to the inevitable impacts of global warming and climate change, including rising sea levels, temperatures, and other risk factors; and
- (2) Mitigate its greenhouse gas emissions by sequestering more atmospheric carbon and greenhouse gases than the State produces as quickly as practicable, but no later than 2045.”

SECTION 4. Act 32, Session Laws of Hawaii 2017, is amended as follows:

- 1. By amending section 2 to read:

“SECTION 2. (a) The State shall expand strategies and mechanisms to reduce ~~[the]~~ greenhouse gas emissions ~~[statewide]~~ through the reduction of energy use, adoption of renewable energy, and control of air pollution among all agencies, departments, industries, and sectors, including transportation. Such strategies and mechanisms shall utilize the best available science, technologies, and policies to reduce greenhouse gas emissions and shall be closely aligned with the climate change principles and goals adopted in the Paris Agreement and Hawaii’s share of obligations within the expectations apportioned to the United States in the Paris Agreement, regardless of federal action.

(b) The State shall strive to formulate and communicate long-term low greenhouse gas emission development strategies and shall take actions to conserve and enhance long-term sinks and reservoirs of greenhouse gases, by prioritizing the development of parks, greenways, and restoration of native upland and coastal forests and wetlands.”

- 2. By amending section 6 to read:

~~“SECTION 6. Chapter 225P, Hawaii Revised Statutes, is repealed.]~~
Repealed.”

3. By amending section 10 to read:

~~“SECTION 10. This Act shall take effect on July 1, 2017[; provided that section 6 shall take effect on July 1, 2022].”~~

SECTION 5. Act 33, Session Laws of Hawaii 2017, is repealed.

SECTION 6. The office of planning shall submit a status update report of its progress and recommendations, including any proposed legislation, regarding the greenhouse gas sequestration task force to the legislature no later than twenty days prior to the convening of the regular session of 2021.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2018-2019 for the purpose of funding the greenhouse gas sequestration task force and its related efforts.

The sum appropriated shall be expended by the office of planning for the purposes of this Act.

SECTION 8. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect on July 1, 2018.

(Approved June 4, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.