

ACT 92

S.B. NO. 1241

A Bill for an Act Relating to Energy Data.

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

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

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

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

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

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

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

The annual reports are essential in order for the department of health to assess the progress being made toward achieving the 2020 greenhouse gas emissions limit, to estimate uncertainties, and to support the determination of whether the 2020 limit has been met and will be sustained.

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

The purpose of this Act is to add the department of health to the list of state departments that have access to the energy data collected pursuant to chapter 486J, Hawaii Revised Statutes, in order to increase the accuracy and reduce

the levels of uncertainty in the department of health's annual greenhouse gas progress reports.

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

“§486J-5.5 Energy data collection program. The department shall establish the energy data collection program that includes development and maintenance of an energy database system that meets the requirements of government and industry, while promoting sound policy making, greenhouse gas emission inventory reporting, energy planning, energy assurance planning, and energy security.”

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

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

- (1) Use the information furnished or obtained for any purpose other than the purposes for which it is supplied;
- (2) Make any publication whereby the data furnished by any person can be identified; or
- (3) Permit any person other than the commission, the department of taxation, the attorney general, the consumer advocate, the department of business, economic development, and tourism, the department of health, and the authorized representatives and employees of each to examine the individual reports or statements provided.”

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

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

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 7, 2019.)