A BILL FOR AN ACT

RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

PART I

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

The legislature further finds that because the ongoing climate crisis is one of the overarching issues of modern times, the protection of the State’s environment and natural resources is more critical than ever. Although almost all issues are multi-jurisdictional, the legislature believes that creating an executive-level department to unite this important work under one administrative umbrella will lead to greater efficiency in
addressing Hawaii's environmental issues in a timely and proactive fashion.

The purpose of this Act is to:

1. Establish a department of environmental protection on July 1, 2026; and
2. Transfer the Hawaii state energy office into a division within the department of environmental protection.

PART II

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

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

(b) The department of environmental protection shall manage energy and develop projects that protect the environment of the State."
(c) The director of environmental protection shall report to a seven-member board that consists of one member appointed by each of the following:

(1) The governor;

(2) President of the senate;

(3) Speaker of the house of representatives;

(4) Honolulu city council;

(5) Maui county council;

(6) Hawaii county council; and

(7) Kauai county council.

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

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

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

(1) Department of human resources development (Section 26-5)
(2) Department of accounting and general services (Section 26-6)

(3) Department of the attorney general (Section 26-7)

(4) Department of budget and finance (Section 26-8)

(5) Department of commerce and consumer affairs (Section 26-9)

(6) Department of taxation (Section 26-10)

(7) University of Hawaii (Section 26-11)

(8) Department of education (Section 26-12)

(9) Department of health (Section 26-13)

(10) Department of human services (Section 26-14)

(11) Department of land and natural resources (Section 26-15)

(12) Department of agriculture (Section 26-16)

(13) Department of Hawaiian home lands (Section 26-17)

(14) Department of business, economic development, and tourism (Section 26-18)

(15) Department of transportation (Section 26-19)

(16) Department of labor and industrial relations (Section 26-20)

(17) Department of defense (Section 26-21)
(18) Department of public safety (Section 26-14.6)[[-] and
(19) Department of environmental protection (Section 26-__)."

PART III

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

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

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

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

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

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

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

(6) Positions filled by popular vote;

(7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
(8) Judges, referees, receivers, masters, jurors, notaries, public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;

(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the
first circuit, two additional law clerks for the civil
motions judge of the circuit court of the first
circuit, two additional law clerks for the criminal
motions judge of the circuit court of the first
circuit, and two law clerks for the administrative
judge of the district court of the first circuit; and
one private secretary for the administrative director
of the courts, the deputy administrative director of
the courts, each department head, each deputy or first
assistant, and each additional deputy, or assistant
deputy, or assistant defined in paragraph (16);

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

(11) (A) Teachers, principals, vice-principals, complex
area superintendents, deputy and assistant
superintendents, other certificated personnel,
not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;

(B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual/bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational/supportive services specialists, alternative school project coordinators, and communications aides in the department of education;

(C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and

(D) Members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;
(12) Employees engaged in special, research, or demonstration projects approved by the governor;

(13) (A) Positions filled by inmates, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs;

(B) Positions filled with students in accordance with guidelines for established state employment programs; and

(C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;

(14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;
Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the
governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;

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

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

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

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

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

(20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal
tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;

(21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;

(22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;

(23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;

(24) The sheriff;

(25) A gender and other fairness coordinator hired by the judiciary;

(26) Positions in the Hawaii National Guard youth and adult education programs;
(27) In the Hawaii state energy [office] division in the department of [business, economic development, and tourism] environmental protection, all energy program managers, energy program specialists, energy program assistants, and energy analysts;

(28) Administrative appeals hearing officers in the department of human services;

(29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care services branch administrator, medical director, and clinical standards administrator;

(30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, and security and privacy compliance analyst;

(31) The Alzheimer's disease and related dementia services coordinator in the executive office on aging;

(32) In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and
emergency operations center state warning point
personnel; provided that, for state warning point
personnel, the director shall determine that
recruitment through normal civil service recruitment
procedures would result in delay or noncompliance; and

[+] (33) [+] The executive director and seven full-time
administrative positions of the school facilities
authority.

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

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

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

"[+] PART V. [+] HAWAII STATE ENERGY [OFFICE] DIVISION"

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

"[+] §196-71[+] Hawaii state energy [office+] division;
established. (a) There is established the Hawaii state energy
[office, which shall be a public body politic and an
instrumentality and agency of the State. The office shall be
placed] division within the department of [business, economic
development, and tourism for administrative purposes, pursuant
to section 26-35.] environmental protection. The purpose of the
Hawaii state energy [office] division shall be to promote energy
efficiency, renewable energy, and clean transportation to help
achieve a resilient clean energy economy.

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

(1) Provide analysis and planning to actively develop and
inform policies to achieve energy efficiency,
renewable energy, energy resiliency, and clean
transportation goals with the legislature, public
utilities commission, state agencies, and other
relevant stakeholders;

(2) Lead efforts to incorporate energy efficiency,
renewable energy, energy resiliency, and clean
transportation to reduce costs and achieve clean
energy goals across all public facilities;

(3) Provide renewable energy, energy efficiency, energy
resiliency, and clean transportation project
deployment facilitation to assist private sector
project completion when aligned with state energy
goals; and

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

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

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

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

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

(3) Proposed legislation, if any."
SECTION 7. On July 1, 2026, the budget of the Hawaii state energy office shall be transferred to the department of environmental protection.

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

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

All employees who occupy civil service positions and whose functions are transferred to the department of environmental protection by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by
applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status, but shall not be appointed to a civil service position as a consequence of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The director of
environmental protection may prescribe the duties and
qualifications of these employees and fix their salaries without
regard to chapter 76, Hawaii Revised Statutes.

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

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

(1) One county building official from each of the four
counties appointed by the mayor;

(2) One member representing the state fire council;

(3) One member representing the department of labor and
industrial relations who has significant experience in
elevator safety;

(4) One member representing the Hawaii state energy
[office] division of the department of [business-
economic development, and tourism; environment protection;

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

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

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

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

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

PART IV

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

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