STAND. COM. REP. NO.

184 -22

Honolulu, Hawaii

FEB 10 ' 2022

RE: H.B. No. 1803 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water & Land, to which was referred H.B. No. 1803 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR AND HEALTHY ECOSYSTEMS, INCLUDING CLIMATE, AND TO THE PRESERVATION OF THE NATURAL, CULTURAL, SCENIC, AND HEALTHFUL QUALITIES OF THE ENVIRONMENT,"

beg leave to report as follows:

The purpose of this measure is to propose an amendment to article I of the Hawaii State Constitution to recognize and protect the inherent and inalienable right of all people to clean water and air and healthy ecosystems, including climate, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment.

Your Committees received testimony in support of this measure from the Office of Planning and Sustainable Development, one member of the Maui County Council, Conservation Council for Hawai'i, Americans for Democratic Action Hawai'i, Life of the Land, Kauai Women's Caucus, Hawaii Interfaith Power and Light, Environmental Caucus of the Democratic Party of Hawai'i, 350Hawaii.org, Our Revolution Hawai'i, Ko'olau Waialua Alliance, Green Amendments For The Generations, Surfrider Foundation, Hawai'i

Reef and Ocean Coalition, Climate Protectors Coalition Hawaii, Climate Protectors Hawaii, and numerous individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Retail Merchants of Hawaii, and one individual. Your Committees received comments on this measure from the Department of the Attorney General and Hawaii Association of REALTORS.

Your Committees find that clean air and water and healthy environments are essential for human life. Providing more protections for environmental rights will provide an important tool for protecting the State's environment and strengthen enforceable environmental rights that belong to all residents of Hawaii.

Your Committees note the comments and concerns by the Department of the Attorney General that the state constitution already recognizes the importance of a healthful environment and Hawaii's natural resources and that the amendment proposed by this measure may not be necessary.

Your Committees have amended this measure by:

- (1) Clarifying the findings and provisions in the preamble to reflect that the fundamental right of the people, including future generations, to clean water and air, a healthful environment and climate, and healthy native ecosystems and beaches shall be protected and shall not be infringed;
- (2) Changing the effective date to July 1, 2100, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1803, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1803, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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Respectfully submitted on behalf of the members of the Committees on Energy & Environmental Protection and Water & Land,

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DAVID A. TARNAS, Chair

Midle C. Jowell

NICOLE E. LOWEN, Chair

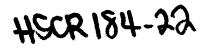
#### State of Hawaii House of Representatives The Thirty-first Legislature

# HSCR184-22

## **Record of Votes of the Committee on Energy & Environmental Protection**

Bill/Resolution No.: HB 1803	Committee Referral: EEP/WAL, JHA, F	Date:	2/8/2	2			
☐ The committee is reconsidering its previous decision on the measure.							
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)							
EEP Members	Ayes	Ayes (WR)	Nays	Excused			
1. LOWEN, Nicole E. (C)							
				2.0			
2. MARTEN, Lisa (VC)			:				
3. HASHEM, Mark J.							
4. MATAYOSHI, Scot Z.							
5. PERRUSO, Amy A.							
	Also management						
6. TODD, Chris			0 1 0 10 0 0 10 10 0 0 10 10 0 0				
7. TOKIOKA, James Kunane							
8. MATSUMOTO, Lauren							
				_			
TOTAL (8)	4	3		1			
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)							
Vice Chair's or designee's signature: his Mart							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							

#### State of Hawaii House of Representatives The Thirty-first Legislature



## Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB   803	Committee Referral: EEP/WAL, JHA, FI	N Date	2/8/2022				
☐ The committee is reconsidering its previous decision on the measure.							
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)							
WAL Members	Ayes	Ayes (WR)	Nays	Excused			
1. TARNAS, David A. (C)	<b>√</b>						
2. BRANCO, Patrick Pihana (Vo	C) V						
3. GANADEN, Sonny							
4. KOBAYASHI, Bertrand		<b>/</b>	an marina a a a també 188				
5. KONG, Sam Satoru							
6. MORIKAWA, Dee							
7. OHNO, Takashi				- 95555 - 19719 1s. c. 2016 - 1500000000000000000000000000000000000			
8. McDERMOTT, Bob							
TOTAL (0)	A	2		4			
TOTAL (8)  Adopted If joint referral, did not support recommendation.  Committee acronym(s)							
Vice Chair's or designee's signature:							
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO							