

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 Hawai'i, 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 Hawai'i 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.



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

*David Tarnas*

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DAVID A. TARNAS, Chair

*Nicole E. Lowen*

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NICOLE E. LOWEN, Chair



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: <b>HB 1803</b>	Committee Referral: <b>EEP/WAL, JHA, PIN</b>	Date: <b>2/8/22</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. <b>LOWEN, Nicole E. (C)</b>	/			
2. <b>MARTEN, Lisa (VC)</b>	/			
3. <b>HASHEM, Mark J.</b>	/			
4. <b>MATAYOSHI, Scot Z.</b>		/		
5. <b>PERRUSO, Amy A.</b>	/			
6. <b>TODD, Chris</b>				/
7. <b>TOKIOKA, James Kunane</b>		/		
8. <b>MATSUMOTO, Lauren</b>		/		
<b>TOTAL (8)</b>	<b>4</b>	<b>3</b>		<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <u><i>Lisa Marten</i></u>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				

Record of Votes of the Committee on Water & Land

<b>Bill/Resolution No.:</b> HB1803	<b>Committee Referral:</b> EEP/WAL, JHA, FIN	<b>Date:</b> 2/8/2022		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>WAL Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. TARNAS, David A. (C)	✓			
2. BRANCO, Patrick Pihana (VC)	✓			
3. GANADEN, Sonny	✓			
4. KOBAYASHI, Bertrand		✓		
5. KONG, Sam Satoru		✓		
6. MORIKAWA, Dee		✓		
7. OHNO, Takashi	✓			
8. McDERMOTT, Bob				✓
<b>TOTAL (8)</b>	4	3		1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small style="margin-left: 200px;">committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				