STAND. COM. REP. NO.

Honolulu, Hawaii FEB 07 , 2023

H.B. No. 444 RE: H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water & Land, to which was referred H.B. No. 444 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, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES,"

beg leave to report as follows:

The purpose of this measure is to propose a constitutional amendment to ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches shall be protected and shall not be infringed.

Your Committees received testimony in support of this measure from the Kauai Climate Action Coalition; Surfrider Foundation, Hawai'i Region; Zero Waste Kaua'i; Hawai'i Reef and Ocean Coalition; Climate Protectors Hawai'i; Environmental Caucus of the Democratic Party of Hawai'i; Imua Alliance; Americans for Democratic Action, Hawai'i; 'Ahahui o nā Kauka; 350Hawaii.org; Community Coalition of Kaua'i; Green Amendments for the Generation; Hawaii Alliance for Progressive Action; Hawaii Youth Climate Coalition; Independent Energy; Kauai Women's Caucus; Our Revolution Hawaii; Trinity United Methodist Church; Zero Waste Hawai'i Island; Pono Hawaii

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Initiative; and numerous individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of the Attorney General.

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 have amended this measure by:

- Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committees respectfully request your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider the concerns of the Department of the Attorney General related to the Legislature's future ability to regulate the environment and the constitutionality of existing environmental laws and regulations.

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. 444, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 444, 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,

ICHIYAMA, Chai LINDA

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NICOLE E. LOWEN, Chair

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Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 444	Committee Referral: EEP/WAL, JHA, FIN Date: 2223					
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. COCHRAN, Elle (VC)						
3. GATES, Cedric Asuega						
4. KAHALOA, Kirstin						
5. PERRUSO, Amy A.						
6. WOODSON, Justin H.	and the second second					
7. WARD, Gene						
			·····			
TOTAL (7)	L		0	2		
The recommendation is: Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						

State of Hawaii House of Representatives The Thirty-second Legislature



Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB 444	Committee Referral: EEP WAL, JHA, FIN Date: 02 02 2023					
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. ICHIYAMA, Linda (C)						
2. POEPOE, Mahina (VC)	\checkmark					
3. CHUN, Cory M.	\checkmark					
4. GANADEN, Sonny						
5. HASHEM, Mark J.	\checkmark					
6. MORIKAWA, Dee						
7. TAKAYAMA, Gregg						
and the second						
8. SOUZA, Kanani						
TOTAL (8)	8					
The recommendation is: Image: Adopted for the second s						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						