

STAND. COM. REP. NO.

104

Honolulu, Hawaii

FEB 07 , 2023

RE: H.B. No. 444  
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:

- (1) 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.



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

  
LINDA ICHIYAMA, Chair

  
NICOLE E. LOWEN, Chair





