

Honolulu, Hawaii

MAR 06 , 2026

RE: H.B. No. 1979
H.D. 3

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1979, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL REVIEW,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Shorten the period during which certain judicial proceedings involving environmental assessments and environmental impact statements on actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated; and
- (2) Specify that appeals from environmental courts that involve actions that propose the use of land for, or construction of, affordable housing or clean energy projects meet one of the grounds for transfer to the Hawaii Supreme Court and prohibits any court from awarding attorneys' fees in these judicial proceedings.

Your Committee received testimony in support of this measure from the Kaua'i Island Utility Cooperative; Maui Chamber of Commerce; and Avalon Development Company LLC. Your Committee received testimony in opposition to this measure from KahuPuna; 350Hawaii.org; Na Wai Ho'ola Nui La'au Lapa'au Foundation; 'O Maku'u



ke kahua; Earthjustice; Hawaii's Thousand Friends; and eight individuals. Your Committee received comments on this measure from the Office of Planning and Sustainable Development and Office of Hawaiian Affairs.

Your Committee finds that environmental review is a critical safeguard for protecting natural and cultural resources and ensuring informed public decision-making. Your Committee further finds that prolonged uncertainty and extended judicial proceedings can delay or prevent the timely development of affordable housing and clean energy projects that serve urgent public needs. Establishing clearer and more predictable timelines for judicial review, while preserving substantive environmental protections and public participation, promotes regulatory certainty and supports the State's clean energy and housing goals.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited courts from awarding attorneys' fees in a judicial proceeding initiated pursuant to this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1979, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1979, H.D. 3.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



