

Honolulu, Hawaii

MAR 30, 2026

RE: S.B. No. 1166
S.D. 2
H.D. 2

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 S.B. No. 1166, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INSURANCE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow the Hawaii Property Insurance Association and private insurers to bring claims against responsible parties for amounts paid by the insurers for losses resulting from climate disasters and extreme weather attributable to climate change; and
- (2) Require insurance rates established by the Hawaii Property Insurance Association to account for any proceeds from the civil claims against a responsible party.

Your Committee received testimony in support of this measure from Imua Alliance; Sierra Club of Hawai'i; Free Access Coalition; Polluters Pay Hawai'i; Hawaiian Council; 350Hawaii.org; Greenpeace Hawai'i; Center for Climate Integrity; Green Party of Hawai'i; Kūpuna for the Mo'opuna; Conservation Council for Hawai'i; Earthjustice; Kauai Climate Action Coalition; North Shore Ko'olau



Diversity Collective; and numerous individuals. Your Committee received testimony in opposition to this measure from the American Petroleum Institute and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs Insurance Division; Chamber of Commerce Hawaii; Hawai'i Insurers Council; American Property Casualty Insurance Association; and Hawaii Property Insurance Association.

Your Committee finds that climate change-driven disasters and extreme weather events have destabilized Hawaii's property insurance market, resulting in rising premiums, increased non-renewals, and significant financial strain on policyholders and public institutions. Your Committee further finds that misleading practices by certain fossil fuel-related entities have contributed to these harms by obscuring the connection between their products and climate change impacts. This measure seeks to promote accountability by allowing insurers to recover qualifying losses from responsible parties, thereby helping to protect consumers and preserve a functioning insurance market.

Your Committee has amended this measure by:

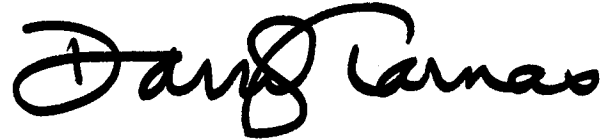
- (1) Amending the preamble;
- (2) Allowing the Hawaii Hurricane Relief Fund to bring claims against responsible parties for amounts paid for losses resulting from climate disasters and extreme weather attributable to climate change;
- (3) Clarifying that injury in fact for purposes of standing is based on payments made by a plaintiff to a policyholder for qualifying damages resulting from a climate disaster or extreme weather event attributable to climate change;
- (4) Deleting language that would have prohibited the State and its political subdivisions from bringing civil or administrative enforcement actions;
- (5) Deleting language that would have prohibited the State, state officials, or public prosecutors from intervening in a civil action;



- (6) Authorizing the Hawaii Property Insurance Association, the Hawaii Hurricane Relief Fund, and private insurers to recover or obtain court costs, litigation expenses, reasonable attorneys' fees, and other relief deemed appropriate by the court or jury in civil actions; and
- (7) 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 S.B. No. 1166, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 1166, S.D. 2, H.D. 2.

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



DAVID A. TARNAS, Chair



