
HOUSE RESOLUTION

REQUESTING THE JUDICIARY TO STUDY THE FEASIBILITY OF
ESTABLISHING ENVIRONMENTAL COURTS IN THE STATE OF HAWAII.

1 WHEREAS, the continued maintenance and improvement of
2 Hawaii's environment requires constant vigilance and continued
3 stewardship to ensure its lasting beauty, cleanliness, and
4 uniqueness, and the stability of its natural systems, all of
5 which enhance the mental and physical well-being of Hawaii's
6 people; and
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8 WHEREAS, currently, environmental disputes in Hawaii are
9 dealt with in a variety of courts, thus increasing the risk of
10 inconsistent application of diverse and complex environmental
11 laws; and
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13 WHEREAS, the preservation and protection of Hawaii's
14 natural environment through the consistent and uniform
15 application of environmental laws may be accomplished by
16 establishing environmental courts to hear cases and preside over
17 administrative proceedings relating to environmental law; and
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19 WHEREAS, proposals to establish environmental courts in
20 Hawaii have proposed environmental courts as divisions of the
21 circuit courts of the State, exercising general equity powers as
22 authorized by law, with jurisdiction over all actions and
23 violations, appeals of contested cases, and any other
24 administrative proceedings authorized by chapter 91, Hawaii
25 Revised Statutes, arising under chapters 6D, 6E, 6K, 149A, 150A,
26 174C, 179D, 181, 182, 183, 183C, 183D, 184, 185, 187A, 188, 189,
27 190, 190D, 195, 195D, 197, 198, 198D, 200, 205, 205A, 269, 339,
28 340B, 340E, 340F, 342B, 342C, 342D, 342E, 342F, 342G, 342H,
29 342I, 342J, 342L, 342P, and 343, Hawaii Revised Statutes; now,
30 therefore,
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32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-third Legislature of the State of Hawaii, Regular Session
34 of 2006, that the Judiciary is requested to study the



1 feasibility of establishing an environmental court in each
2 circuit of the State of Hawaii; and

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4 BE IT FURTHER RESOLVED that the Judiciary is requested to
5 include the following in its study:

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- 7 (1) An analysis of whether the establishment of the
- 8 environmental courts is advisable, and, if so:
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- 10 (A) Findings and recommendations on how the
- 11 environmental courts should be established,
- 12 organized, and operated;
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- 14 (B) Cost estimates for establishing and operating the
- 15 environmental courts and an analysis addressing
- 16 cost-effectiveness; and
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- 18 (C) A proposed action plan for the establishment of
- 19 the environmental courts, including proposed
- 20 timetables and budgets; or
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- 22 (2) If the Judiciary determines that establishing separate
- 23 environmental courts is not advisable, a plan to
- 24 ensure the consistent and uniform application of
- 25 environmental laws under the present organizational
- 26 structure of the courts; and
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28 BE IT FURTHER RESOLVED that the Judiciary is requested to
29 submit a report of its findings, analyses, proposed action plan,
30 and recommendations, including proposed legislation, if any, to
31 the Legislature not later than twenty days prior to the
32 convening of the Regular Session of 2007; and


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34 BE IT FURTHER RESOLVED that certified copies of this
35 Resolution be transmitted to the Chief Justice of the Supreme
36 Court of the State of Hawaii, the Administrative Director of the
37 Courts, and the Chief Court Administrator of each of the circuit
38 courts in the State.

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