
A BILL FOR AN ACT

PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE
CONSERVATION, CONTROL AND DEVELOPMENT OF RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article XI of the Constitution of the State of
3 Hawaii to promote the conservation and protection of Hawaii's
4 game resources.

5 SECTION 2. Article XI, of the Constitution of the State of
6 Hawaii is amended to read as follows:

7 **"ARTICLE XI**

8 **CONSERVATION, CONTROL AND DEVELOPMENT OF RESOURCES**

9 **CONSERVATION AND DEVELOPMENT OF RESOURCES**

10 **Section 1.** For the benefit of present and future
11 generations, the State and its political subdivisions shall
12 conserve and protect Hawaii's natural beauty and all natural
13 resources, including land, water, game animals, air, minerals
14 and energy sources, and shall promote the development and
15 utilization of these resources in a manner consistent with their
16 conservation and in furtherance of the self-sufficiency of the
17 State.



1 All public natural resources are held in trust by the State
2 for the benefit of the people.

3 **MANAGEMENT AND DISPOSITION OF NATURAL RESOURCES**

4 **Section 2.** The legislature shall vest in one or more
5 executive boards or commissions powers for the management of
6 natural resources owned or controlled by the State, and such
7 powers of disposition thereof as may be provided by law; but
8 land set aside for public use, other than for a reserve for
9 conservation purposes, need not be placed under the jurisdiction
10 of such a board or commission.

11 The mandatory provisions of this section shall not apply to
12 the natural resources owned by or under the control of a
13 political subdivision or a department or agency thereof.

14 **AGRICULTURAL LANDS**

15 **Section 3.** The State shall conserve and protect
16 agricultural lands, promote diversified agriculture, increase
17 agricultural self-sufficiency and assure the availability of
18 agriculturally suitable lands. The legislature shall provide
19 standards and criteria to accomplish the foregoing.

20 Lands identified by the State as important agricultural
21 lands needed to fulfill the purposes above shall not be
22 reclassified by the State or rezoned by its political



1 subdivisions without meeting the standards and criteria
2 established by the legislature and approved by a two-thirds vote
3 of the body responsible for the reclassification or rezoning
4 action.

5 PUBLIC LAND BANKING

6 Section 4. The State shall have the power to acquire
7 interests in real property to control future growth, development
8 and land use within the State. The exercise of such power is
9 deemed to be for a public use and purpose.

10 GENERAL LAWS REQUIRED; EXCEPTIONS

11 Section 5. The legislative power over the lands owned by
12 or under the control of the State and its political subdivisions
13 shall be exercised only by general laws, except in respect to
14 transfers to or for the use of the State, or a political
15 subdivision, or any department or agency thereof.

16 GAME RESOURCES

17 Section 6. The State shall manage and control for the
18 perpetuity of future generations, game animals, including sheep,
19 deer, pigs, and wild cattle presently located throughout all
20 State lands. The management of game animals shall be subject to
21 guidelines established by the legislature, including cooperative
22 resource management strategies which shall ensure the public's



1 sustained use and enjoyment of game animals as a protected State
2 resource.

3 **MARINE RESOURCES**

4 ~~[Section 6.]~~ **Section 7.** The State shall have the power to
5 manage and control the marine, seabed and other resources
6 located within the boundaries of the State, including the
7 archipelagic waters of the State, and reserves to itself all
8 such rights outside state boundaries not specifically limited by
9 federal or international law.

10 All fisheries in the sea waters of the State not included
11 in any fish pond, artificial enclosure or state-licensed
12 mariculture operation shall be free to the public, subject to
13 vested rights and the right of the State to regulate the same;
14 provided that mariculture operations shall be established under
15 guidelines enacted by the legislature, which shall protect the
16 public's use and enjoyment of the reefs. The State may condemn
17 such vested rights for public use.

18 **WATER RESOURCES**

19 ~~[Section 7.]~~ **Section 8.** The State has an obligation to
20 protect, control and regulate the use of Hawaii's water
21 resources for the benefit of its people.



1 The legislature shall provide for a water resources agency
2 which, as provided by law, shall set overall water conservation,
3 quality and use policies; define beneficial and reasonable uses;
4 protect ground and surface water resources, watersheds and
5 natural stream environments; establish criteria for water use
6 priorities while assuring appurtenant rights and existing
7 correlative and riparian uses and establish procedures for
8 regulating all uses of Hawaii's water resources.

9 **NUCLEAR ENERGY**

10 ~~[Section 8.]~~ Section 9. No nuclear fission power plant
11 shall be constructed or radioactive material disposed of in the
12 State without the prior approval by a two-thirds vote in each
13 house of the legislature.

14 **ENVIRONMENTAL RIGHTS**

15 ~~[Section 9.]~~ Section 10. Each person has the right to a
16 clean and healthful environment, as defined by laws relating to
17 environmental quality, including control of pollution and
18 conservation, protection and enhancement of natural resources.
19 Any person may enforce this right against any party, public or
20 private, through appropriate legal proceedings, subject to
21 reasonable limitations and regulation as provided by law.

22



1 FARM AND HOME OWNERSHIP

2 ~~[Section 10.]~~ Section 11. The public lands shall be used
3 for the development of farm and home ownership on as widespread
4 a basis as possible, in accordance with procedures and
5 limitations prescribed by law.

6 EXCLUSIVE ECONOMIC ZONE

7 ~~[Section 11.]~~ Section 12. The State of Hawaii asserts and
8 reserves its rights and interest in its exclusive economic zone
9 for the purpose of exploring, exploiting, conserving and
10 managing natural resources, both living and nonliving, of the
11 seabed and subsoil, and superadjacent waters."

12 SECTION 3. The question to be printed on the ballot shall
13 be as follows:

14 "Shall the Constitution of the State of Hawaii be amended
15 to recognize game animals located throughout all state lands as
16 a protected State and natural resource to be managed and
17 conserved by the State for the public's sustained use and
18 enjoyment?"

19 SECTION 4. Constitutional material to be repealed is
20 bracketed and stricken. New constitutional material is
21 underscored.



1 SECTION 5. This amendment shall take effect upon
2 compliance with article XVII, section 3, of the Constitution of
3 the State of Hawaii.

4

INTRODUCED BY:

[Signature]
[Signature]
Cindy Evans
Mildred E. Kim
[Signature]

JAN 17 2013



H.B. NO. 104

Report Title:

Conservation; Game Resources; Constitutional Amendment

Description:

Proposes an amendment to article XI of the Hawaii State Constitution to include game animals on state lands as resources to be managed and conserved by the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

