
A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLE XI OF THE HAWAII CONSTITUTION TO
PROMOTE THE CONSERVATION AND PROTECTION OF THE STATE'S
BEACH RESOURCES.

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

1 SECTION 1. The legislature finds that Hawaii's public
2 trust doctrine, which states in part that "all public natural
3 resources are held in trust by the state for the benefit of the
4 people," requires the State to ensure that the public trust
5 resources will not be used in a way that causes serious damage
6 or destroys the resources. In the face of rising sea levels,
7 preserving, protecting, and restoring the critical nearshore
8 environment while preserving and protecting access to Hawaii's
9 beaches is in the best interest of public safety and economic
10 stability.

11 The legislature further finds that, pursuant to the
12 precautionary principle, where there are present or potential
13 threats of serious damage to natural resources, the lack of full
14 scientific certainty should not be a basis for postponing
15 effective measures to prevent environmental degradation. In
16 addition, where uncertainty exists, the State's duty to perform



1 as a public trustee requires a presumption in favor of public
2 resource protection.

3 The legislature further finds that Act 32, Session Laws of
4 Hawaii 2017, established the Hawaii climate change mitigation
5 and adaptation commission to address the urgent issue of sea-
6 level rise in the State. The commission, which comprises
7 various state and county officials, has provided the legislature
8 with a comprehensive sea-level report in which risk levels are
9 clearly identified. Based on findings in this report, the
10 legislature also finds it imperative to start implementing the
11 commission's recommendations.

12 The legislature finds that the State has the authority and
13 duty to assure the State's beaches are put to reasonable and
14 beneficial use so that the beach resources are maintained for
15 future generations. The legislature further finds that the
16 erosion and inundation of beaches across the State has created a
17 public safety hazard as well as a critical situation for many
18 beach-side property owners, including owners of both residential
19 and commercial properties.

20 Accordingly, the purpose of this Act is to propose
21 amendments to article XI of the Constitution of the State of



1 Hawaii to promote the conservation and protection of Hawaii's
2 beach resources.

3 SECTION 2. Article XI of the Constitution of the State of
4 Hawaii is amended by adding a new section to be appropriately
5 designated and to read as follows:

6 "BEACHES

7 Section . The State shall manage, preserve, and control,
8 in perpetuity for the benefit of future generations, beaches
9 located throughout the State. The management of beaches shall
10 be subject to policies and criteria established by the
11 legislature, which shall ensure public use of the beaches as a
12 protected state resource."

13 SECTION 3. Article XI, section 1, of the Constitution of
14 the State of Hawaii is amended to read as follows:

15 "CONSERVATION AND DEVELOPMENT OF RESOURCES

16 Section 1. For the benefit of present and future
17 generations, the State and its political subdivisions shall
18 conserve and protect Hawaii's natural beauty and all natural
19 resources, including land, water, beaches, air, minerals and
20 energy sources, and shall promote the development and
21 utilization of these resources in a manner consistent with their



1 conservation and in furtherance of the self-sufficiency of the
2 State.

3 All public natural resources are held in trust by the State
4 for the benefit of the people."



5 SECTION 4. The question to be printed on the ballot shall
6 be as follows:

7 "Shall the State Constitution be amended to permit the
8 State to manage beaches statewide, in perpetuity, as protected
9 state resources?"

10 SECTION 5. Constitutional material to be repealed is
11 bracketed and stricken. New constitutional material is
12 underscored.

13 SECTION 6. This amendment shall take effect upon
14 compliance with article XVII, section 3, of the Constitution of
15 the State of Hawaii.

16

INTRODUCED BY: 


JAN 24 2019



H.B. NO. 1482

Report Title:

Beaches; Public Trust; Preservation; Constitutional Amendment

Description:

Proposes amendments to the Constitution of the State of Hawaii to permit the State to manage beach resources statewide and in perpetuity.

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