

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 502, S.D. 2, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO GUARANTEE ALL INDIVIDUALS THE RIGHT TO HAVE A CLEAN AND HEALTHY ENVIRONMENT,"

begs leave to report as follows:

The purpose of this measure is to propose a constitutional amendment that provides individuals the right to a clean and healthy environment, including pure water, clean air, and healthy ecosystems, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment.

Your Committee received testimony in support of this measure from the Hawaii Forest Stewards; Greener Hawaii; Imua Alliance; We Are One, Inc.; Hawai'i Public Health Association; Kauai Climate Action Coalition; Our Revolution Hawaii; Friends of Hanauma Bay; 350Hawaii.org; Environmental Caucus of the Democratic Party of Hawai'i; Green Amendments for the Generations; Hawaii Reef and Ocean Coalition; Surfrider Foundation; Hawai'i Youth Climate Coalition; Center for Biological Diversity; Climate Protectors Coalition; Zero Waste O'ahu; Clean the Pacific; and numerous individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Hawaiian Electric Company, NAIOP Hawaii, and Hawai'i Association of REALTORS.

Your Committee finds that clean water, clean air, a stable climate, and a healthy environment are critical for supporting the physical, mental, and economic health of the State's residents. The proposed constitutional amendment in this measure recognizes and protects the alienable rights of all people to clean water, clean air, a stable climate, and healthy environments, making clear the State's duties to protect the environment for the benefit of residents and future generations.

Your Committee has amended this measure by:

- (1) Deleting language that would have made the environmental rights provisions self-executing and equivalent to other protected inherent and inalienable rights;
- (2) Clarifying the language of the question to be printed on the ballot for the proposed constitutional amendment;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4) 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 Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 502, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 502, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on
Energy & Environmental Protection,

NICOLE E. LOWEN, Chair