

Honolulu, Hawaii

FEB 05 2025

RE: S.B. No. 559
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 559 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII STATE CONSTITUTION TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES,"

begs leave to report as follows:

The purpose and intent of this measure is to propose a constitutional amendment to ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Climate Change Mitigation and Adaptation Commission, Hawai'i Farmers Union United, Green Party of Hawai'i, Coalition Earth, 350Hawaii, Chamber of Sustainable Commerce, Environmental Caucus of the Democratic Party of Hawai'i, Climate Protectors Hawai'i, Friends of Hanauma Bay, Green Amendments for the Generation, Greenpeace Hawaii, Hawaii Alliance for Progressive Action, Hawaii Interfaith Power and Light, Hawaii Reef and Ocean Coalition, Hawaii Youth Climate Coalition, Kauai Climate Action Coalition, Kauai Women's Caucus,



Our Revolution Hawaii, Surfrider Foundation, Trinity United Methodist Church, Wastewater Alternatives and Innovations, Zero Waste Kauai, and thirty-two individuals.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Article XI, Section 9, of the Hawaii State Constitution acknowledges the rights and duties of the State to protect natural resources but does not explicitly recognize the inalienable and self-executing right of all people to clean air, water, and native ecosystem protections, including beaches. Your Committee recognizes that the State is already experiencing impacts from climate change, as evidenced by the climate-related drought conditions that contributed to the 2023 Maui wildfires, and that the effects from climate change will continue to become more prominent as time progresses. According to testimony received by your Committee, similar rights to a clean and healthy environment have been enshrined in the constitutions of other states, including Montana, New York, and Pennsylvania, and have been relied upon by government agencies and courts to properly interpret, apply, and enforce existing environmental laws and regulations. The constitutional amendment proposed in this measure will therefore enhance the State's commitment to the health of its environments and the collective well-being of its people.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 559, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 559, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,

A handwritten signature in black ink, appearing to read "Mike Gabbard", written over a horizontal line.

MIKE GABBARD, Chair



Record of Votes
Committee on Agriculture and Environment
AEN

***Only one measure per Record of Votes**