

STAND. COM. REP. NO. **1006**

Honolulu, Hawaii  
, 2021

**MAR 18**

RE: S.B. No. 502  
S.D. 2  
H.D. 1

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

2021-2428 SB502 HD1 HSCR HMSO



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.

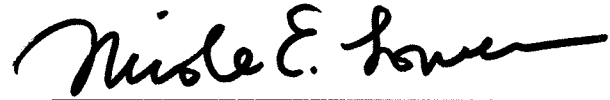
Your Committee has amended this measure by:

- (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



HSCR 1006

**Record of Votes of the Committee on Energy & Environmental Protection**

Bill/Resolution No.: <i>SB 502, SD2</i>	Committee Referral: <i>EEP, JHA, FIN</i>	Date: <i>3/16/21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	/			
2. MARTEN, Lisa (VC)	/			
3. HASHEM, Mark J.	/			
4. MATAYOSHI, Scot Z.				/
5. PERRUSO, Amy A.	/			
6. TODD, Chris	/			
7. TOKIOKA, James Kunane	/			
8. MATSUMOTO, Lauren	/			
<b>TOTAL (8)</b>	<i>7</i>			<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="padding-left: 100px;">committee acronym(s)</span>				
Vice Chair's or designee's signature: <u><i>Lion Mats</i></u>				
Distribution:                    Original (White) – Committee                    Duplicate (Yellow) – Chief Clerk's Office                    Duplicate (Pink) – HMSO				