

STAND. COM. REP. NO. 2595

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2962
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 2962 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to propose a constitutional amendment that recognizes and protects, for present and future generations, the inherent and inalienable right of all people to clean water and air and healthy ecosystems, including climate, 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 one member of the Maui County Council, Hawai'i Reef and Ocean Coalition, 350.org, Our Revolution Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Climate Protectors Coalition Hawaii, Surfrider Foundation, Center for Biological Diversity, Green Amendments For The Generations, Hawai'i Alliance for Progressive Action, Americans for Democratic Action Hawai'i, Friends of Hanauma Bay, Pono Hawai'i Initiative, Clean The Pacific, and thirty-five individuals. Your Committee received testimony in



opposition to this measure from the Department of Land and Natural Resources. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that clean water and air and healthy ecosystems are critical to quality of life in Hawaii. However, the State's constitution does not explicitly recognize a right to clean water and air and to healthy ecosystems. At a time when clean water and air and healthy ecosystems are increasingly threatened by environmental pollution and climate change, the absence of an explicit right in Hawaii's constitution is significant. This measure proposes a new amendment that recognizes and protects, for present and future generations, the inherent and inalienable right of all people to clean water and air and healthy ecosystems, including climate, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment. However, your Committee further finds that the language of the proposed amendment requires greater clarity.

Accordingly, your Committee has amended this measure by explaining the relationship between tradition and the environment in Hawaii and clarifying that the amendment to article I of the Constitution of the State of Hawaii shall read: The fundamental 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.

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. 2962, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2962, 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,

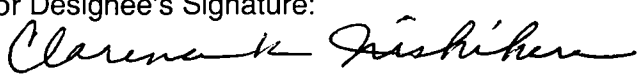


MIKE GABBARD, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2962	AEN, JDC/WAM	02/11/22
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
GABBARD, Mike (C)	/	
NISHIHARA, Clarence K. (VC)		/
ACASIO, Laura	/	
RHOADS, Karl	/	
FEVELLA, Kurt		/
TOTAL	3	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes