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Hawaii Senate Votes to Pass a Hawaii Green Amendment

Adding Individual Environmental Rights to the State Bill of Rights

Honolulu, Hawaii – On Tuesday, March 9 the Hawaii State Senate voted¹ in favor of adding an Environmental Rights Amendment or a Green Amendment ([SB502](#)), to the state constitution's Bill of Rights. The amendment, as proposed, would create an individual right for all people of the state to: *"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. This provision and the rights stated herein are self-executing. The reserved rights stated herein are equivalent to other protected inherent and inalienable rights."* **The bill now moves on to the House of Representatives for consideration.**

While Article XI, Section 1 of the Hawaii Constitution recognizes that the State holds public natural resources—including land, water, air, minerals and energy sources—in trust for the benefit of all people; the individual right in to a clean and healthy environment found in Article XI, Section 9 is limited to those protections provided by legislation and fails to put those rights on par with other fundamental rights, and leaving them to a lower level of protection. The proposed Green Amendment will place environmental rights in the Bill of Rights section of the constitution, ensuring enforceable individual rights that must be equitably protected by government across communities and with other fundamental rights such as property rights.

First proposed by Senator Mike Gabbard, the bill proposing the amendment passed the Senate unanimously, 25-0. A companion bill in the House is supported by Representatives Lowen, Decoite, Ganaden, Ichiyama, Kapela, Lopresti, Marten, McKelvey, Mizuno, Ohno, Perruso, Quinlan, Takayama, Tarnas, and Wildberger in support of the House complement ([HB551](#)). Other Senate sponsors of the bill include Senators Acasio, Chang, Misalucha, Rhoads, Shimbukuro, Fevella, Moriwaki.

The amendment must now proceed through the Hawaii House of Representatives. If passed through the House and the Senate each by a 2/3 vote upon final reading, the amendment is then placed on the ballot for the people to decide. The Senate vote achieved the 2/3 requirement with 25 Senators voting in support.

"It'd be awesome to see Hawai'i join Pennsylvania and Montana in protecting people's rights to a clean environment through a Green Amendment. I applaud the vision and leadership of Maya van Rossum for igniting this national movement!" said **Senator Mike Gabbard, lead sponsor of the Hawaii Green Amendment.**

¹ The Senate voted in favor of SB502 with 25 Ayes, 9 Ayes with Reservations, and 0 Noes.

“Hawaii is on the leading edge of the national movement to recognize environmental rights as fundamental, inalienable rights deserving the same highest protection that is currently given to speech, religious, civil and property rights,” said **Maya van Rossum, author of the book [The Green Amendment](#) and founder of the organization [Green Amendments For The Generations](#)**, seeking to inspire constitutional environmental rights nationally. “If Hawaii passes this amendment through the process it may be the first state, or one of only a very few, in the modern era to provide this much needed, highest constitutional protection,” added van Rossum.

“It is time for Hawaii to recognize environmental rights as fundamental. As an island state, we are dependent on a clean environment and healthy ecosystems (such as coral reefs) for our recreation, our economy, and protection of our shorelines” said **Ted Bohlen of Hawaii Reef and Ocean Coalition and the Climate Protectors Hawaii**. “A higher level of protection is needed.”

"Passage of the Hawai'i Green Amendment in the State Senate is a step in the right direction. It means that we are one step closer to securing a livable future for our children in Hawai'i. We await its passage in the State House with hope and trust," said **Dyson Chee, Advocacy Director of The Hawai'i Youth Climate Coalition**.

"A green amendment would be a powerful way to respond to the climate crisis and ensure our collective right to clean air, clean water, and a healthy environment," said **Doora Shin, O'ahu Chapter Coordinator of Surfrider Foundation**.

Montana and Pennsylvania currently protect environmental rights as an inalienable right in the Bill of Rights section of the state Constitution. But the Green Amendments For The Generations movement is gaining traction and has inspired Green Amendment proposals in 10 states. In New York a similar amendment has made it through the legislative process and will be on the November 2021 ballot for a vote by the people. In other states the process is ongoing.

“Our current system of environmental laws and government, in Hawaii and nationwide, focuses on permitting pollution rather than preventing it. By contrast, constitutional Green Amendments ensure government officials are making informed decisions focused on protecting environmental rights from the beginning of the decision-making process when protection is best accomplished. Green Amendments are also powerful for advancing environmental justice protections by ensuring government officials are protecting the environmental rights of all people and are constitutionally prohibited from creating environmental sacrifice zones,” **added van Rossum**.

To learn more about the Hawaii Green Amendment movement, visit www.HIGreenAmendment.org

To learn more about the national Green Amendment movement, visit www.ForTheGenerations.org

**Remarks of Senator Mike Gabbard, lead sponsor of SB502 SD2
i.e. the Green Amendment, as the proposal was advancing to a vote at the March 9, 2021
Senate session**

SB 502 SD2 – Green Amendment

- Mr. President, I rise in strong support of SB 502 SD2.

- Colleagues, I worked with attorney and environmentalist Maya van Rossum of Delaware Riverkeeper Network on this Green Amendment legislation.
- In 2013, Maya had a major legal victory against fracking around the Delaware River watershed.
- This court case revived Pennsylvania's long-ignored Constitutional Environmental Rights Amendment, empowering it to protect the people's right to pure water, clean air, and a healthy environment.
- Currently, Pennsylvania (1971) and Montana (1971) are the only states with a constitutional Green Amendment.
- However, support for the constitutional right to a clean environment is gaining momentum in other states as well, as other Legislatures are beginning to recognize the power in including such basic, but strong legal language in a state constitution's bill of rights.
- Likening rights of religious expression and speech to those of clean air and water, Green Amendments serve to emphasize environmental health and safety as being part of our basic civil liberties.
- SB 502 would amend our state constitution to guarantee all individuals the right to have a clean and healthy environment.
- Putting environmental rights on equal footing with other fundamental political rights and noting them as inalienable can allow for a high level of legal defensibility.
- If this bill passes, this question would be on the 2022 ballot for the Green amendment:
- "Shall the Constitution of the State of Hawai'i be amended to provide that each person has a 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?"
- Please join me in supporting this important bill.
- Mahalo.

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