



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 502, S.D. 2, RELATING TO 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.

BEFORE THE:

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

DATE: Tuesday, March 16, 2021 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 325, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Robyn Chun,
Deputy Attorney General, at 586-0618)

Chair Lowen and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill proposes an amendment to article I of the Constitution of the State of Hawaii to add a new section that provides in part that “[e]ach 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.”

The amendment proposed by this bill is unnecessary as the Constitution of the State of Hawaii already recognizes the importance of a clean and healthy environment. See article XI, section 9 (“Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality . . .”). See *also* article XI, section 1 (“[a]ll public natural resources are held in trust by the State for the benefit of the people.”).

While access to a clean and healthy environment, pure water, clean air, and healthy ecosystems are indisputably important goals that the State should aspire to, unlike article XI, section 9, the amendment proposed by this bill provides that it is “self executing,” which means it does not require implementing legislation. Without any additional legislation that sets standards or requirements for a clean and healthy

environment, the amendment proposed by this bill is too general and ambiguous to be implemented and enforced.

Further, the elevation of these goals to the level of inalienable rights under the State Constitution may have unintended consequences that will lead to increased litigation against the State to enforce these constitutional rights.

The substantive amendment made by Senate Draft 2 deleted references to the right to a "stable climate". This change does not address the foregoing comments.

To address these concerns, the Department recommends the deletion of the following wording on page 1, line 16, to page 2, line 3: "This provision and the rights stated herein are self-executing. The reserved rights stated herein are equivalent to other protected inherent and inalienable rights."

Alternatively and preferably, instead of adding a new section to the State Constitution, the Department suggests amending article XI, section 9, to read as follows:

Each person has the right to a clean and healthful environment, including pure water, clean air, and healthy ecosystems, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment, as defined by laws [~~relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources~~]. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

In either case, the Department recommends the question to be printed to the ballot to be revised as follows:

"Shall the Constitution of the State of Hawaii 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, as provided by general law?"

Thank you for the opportunity to testify on this bill.

SB-502-SD-2

Submitted on: 3/14/2021 6:38:53 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Culbertson	Hawaii Forest Stewards	Support	No

Comments:

Aloha Chair Lowen and fellow representatives!

Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Therefore, I ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore also be added.

Finally, as a dedicated 'forest steward' on Hawaii Island, I will continue to play my small part planting native trees, and look for your leadership in playing your much larger part in service to our shared life sustaining resources.

Mahalo for your time and efforts!

Rob Culbertson

Paauilo, HI

SB-502-SD-2

Submitted on: 3/14/2021 7:36:13 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Koerner	Greener Hawaii	Support	No

Comments:

Aloha,

I offer strong support with comments.

Our current laws and protections aren't working. Corporate for-profit institutions with their heavy influence on legislators have continually blocked efforts to protect our community from environmental degradation. This bill would firmly enshrine in the Hawaii Constitution the right to a clean and healthy environment, thereby helping to strengthen laws on the books, and help fill the gaps that are left. I am especially concerned now, with tourists returning to the islands without necessary rules in place to make sure they respect the 'aina and the people who live in Hawaii.

Please restore the SD1 language in this bill which included a right to a stable climate. With the torrential rains we have experienced on all Hawaiian Islands, causing flooding and evacuations, we see that we have a Climate Crisis occurring once again.

This bill was amended by the previous committee, stating that the climate is already unstable when they removed "stable climate" language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

This bill proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental

impacts should be considered first, at the start of planning, decision making, and regulating. Therefore, I ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore also be added.

Mahalo,
Diane Koerner

Kapaa, HI 96746



SB 502, SD 2, 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

MARCH 12, 2021 · HOUSE ENERGY AND ENVIRONMENTAL PROTECTION COMMITTEE · CHAIR REP. NICOLE E. LOWEN

POSITION: Support.

RATIONALE: Imua Alliance supports SB 502, SD 2, which proposes a constitutional amendment which guarantees 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.

According to a report produced by the Hawai'i Climate Change Mitigation and Adaptation Commission, global sea levels could rise more than three feet by 2100, with more recent projections showing this occurring as early as 2060. In turn, over the next 30 to 70 years, approximately 6,500 structures and 19,800 people statewide will be exposed to chronic flooding.

Additionally, an estimated \$19 billion in economic loss would result from chronic flooding of land and structures located in exposure areas. Finally, approximately 38 miles of coastal roads and 550 cultural sites would be chronically flooded, on top of the 13 miles of beaches that have already been lost on Kaua'i, O'ahu, and Maui to erosion fronting shoreline armoring, like seawalls.

Furthermore, according to research conducted by Michael B. Gerrard from Columbia Law School, modern-day slavery tends to increase after natural disasters or conflicts where large numbers of people are displaced from their homes. In the decades to come, says Gerrard, **climate change will very likely lead to a significant increase in the number of people who are displaced and, thus vulnerable, to human trafficking.** While the Paris Climate Agreement of 2015 established objectives to limit global temperature increases and several international agreements are aimed at combating modern-day slavery, it is highly uncertain whether they will be adequate to cope with the scale of the problem that is likely to occur as a result of climate change.

As we work to reduce carbon emissions and stave off the worst consequences of climate change, we must begin preparing for the adverse impact of sea level rise on our shores. We are now quantifying the speed at which we must act. We cannot continue to develop the 25,800-acre statewide sea level rise exposure area—one-third of which is designated for urban use—without risking massive structural damage and, potentially, great loss of life. In turn, we must take steps to ensure access to a clean and healthy environment as the worst effects of climate change approach our shores.

Rights of nature laws, including so-called “Green Amendments,” have been enacted in the United States and throughout the world as a means of protecting important ecological and cultural resources. In 2006 and 2007, the town of Tamaqua Borough in Pennsylvania established the first environmental personhood ordinances in the nation, which were intended to combat toxic waste. Since then, other locations have enacted or proposed rights of nature measures, including in 2010 Pittsburgh, Pennsylvania, and in 2020 Orange County, Florida.

Perhaps the most well-known international example of rights of nature legislation is the Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 enacted by the New Zealand parliament, which was the first piece of legislation to declare a river to be a legal person. The Te Awa Tupua Act bestowed upon the Whanganui River the rights, duties, and powers of a legal person, including the ability to sue those who harm it. Moreover, the Te Awa Tupua Act was aimed at improving the relationship between the government of New Zealand and its indigenous people through the enshrinement of the rights of nature associated with the culturally significant Whanganui River into law.

Our state should likewise take steps to preserve access to a clean and healthy environment. From the military's fuel tanks beneath Red Hill to the pesticides unleashed by agrochemical companies on local farmland, our 'āina has been subjected to degradation by those who put corporate profits before public health. Yet, public health should be treated as a sacrosanct fundamental right of Hawai'i's people, who should have the power to take legal action when the precious environment upon which we depend is endangered, thereby undermining the sustainability of our island home. For the sake of our keiki, we cannot afford to wait to solidify strategies to preserve our environmental resources for generations to come.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

SB-502-SD-2

Submitted on: 3/14/2021 11:19:07 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

I strongly support this measure **SB502** in its **SD1 version. Please restore the SD1 language in this bill which included a right to a stable climate.** This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

-This bill proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

-Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Therefore, I ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore also be added.

Mahalo

www.WeAreOne.cc



March 12, 2021

To: The House Committee on Energy and Environmental Protection
Rep. Nicole E. Lowen, Chair
Rep. Lisa Marten, Vice Chair

Re: **Strong Support** of SB502, SD1, 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

Hrg: March 15, 2021 at 3:00 PM at Capitol Room 225 and Videoconference

The Hawai'i Public Health Association (HPHA) is a group of over 600 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), can have profound impacts on health equity and well-being.

HPHA strongly **supports** SB502, SD, which proposes a constitutional amendment to Article I, the Hawaii Bill of Rights. If approved by voters, this amendment would guarantee individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. The inclusion of this self-executing fundamental right in Article I would complement, not be redundant with, the existing recognized role of government as public trustee in Article IX.

A clean and healthy environment are necessary conditions for the health and well-being of the people of Hawai'i. Article 1 will ensure these conditions are preserved for generations. Additionally, it will encourage sustainable development and businesses that protect the environment protective while supporting economic growth. It will grow Hawai'i in a way that reflects the natural, cultural, and healthy values of Hawai'i, rather than compromising them.

Thank you for the opportunity to provide testimony on an important issue affecting the health of people in Hawai'i.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Claire Townsend', is written over a light blue horizontal line.

Claire Townsend Ing, DrPH
Legislative Committee Chair
Hawai'i Public Health Association

Aloha!

I am writing on behalf of the Kauai Climate Action Coalition, a group more of more than 70 Kauai residents, to strongly support this measure; however we ask that you **restore the SD1 language in this bill which included a right to a stable climate**. This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is particularly important that this reference to a stable climate be restored.

This bill proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and the preservation of the natural, cultural, scenic, and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

As we know well here in Hawaii, environmental threats are growing worse and we are facing a climate crisis. The recent rains and flooding are just one example of what we will face more often in the future. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered **first**, at the start of planning, decision making, and regulating. Therefore, we ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore also be added.

Mahalo,

Helen Cox

Chair, Kauai Climate Action Coalition

SB-502-SD-2

Submitted on: 3/14/2021 9:13:01 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Mulinix	Our Revolution Hawaii	Support	No

Comments:

Aloha Chair Lowen, Vice Chair Marten, & Committee Members,

On behalf of Our Revolution Hawaii's 7,000 members and supporters, we stand in SUPPORT of SB502 in its SD1 version. **Please restore the SD1 language in this bill which included a "right to a stable climate."**

This bill was amended by the previous committee, stating that the climate is already unstable when they removed "stable climate" language from the bill. Yes, human actions have caused the climate to become unstable. However regardless whether the climate is currently stable or not, we still have a right to a stable climate. Therefore we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

Mahalo for your consideration,

Dave Mulinix, Community Organizer

Our Revolution Hawaii

SB-502-SD-2

Submitted on: 3/14/2021 9:31:38 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Friends of Hanauma Bay	Support	No

Comments:

Aloha Chair Lowen, Vice Chair Marten, and Committee Members,

We urge you to continue Hawaii's recognized leadership for environmental protection by supporting amending our state Bill of Rights to include the right of all people to a clean and healthy environment.

Aloha,

Lisa Bishop

President

Friends of Hanauma Bay



To: The House Committee on Energy and Environmental Protection
From: Sherry Pollack, 350Hawaii.org
Date: Tuesday, March 16, 2021, 9am

In strong support of SB502 SD1

Aloha Chair Lowen, Vice Chair Marten, and Energy and Environmental Protection Committee members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii's 6,000 members **strongly support** this measure. However, we respectfully request you restore the SD1 language in this bill which included a right to a stable climate.

In the last hearing for this measure, the committee stated that the climate is already unstable and removed the right to a stable climate from the language in the bill. But while it is true that human actions have caused the climate to become unstable, the point is we need to do our part to not further contribute to the problem.

SB502 SD1 proposed a constitutional amendment which guarantees individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all.

The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Furthermore, 350Hawaii believes strongly that our constitution should recognize and protect the rights of all people, including future generations, to a stable climate, and a healthy environment. **We therefore suggest an amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present *and* future generations.**

The sooner the rights to a stable climate and a healthy environment are recognized, the better off the future will be for our children.

Mahalo for the opportunity to testify in **support** and provide comments on this important legislation.

Sherry Pollack
Co-Founder, 350Hawaii.org



Environmental Caucus of The Democratic Party of Hawai'i

March 16, 2021

To: House Committee on Energy & Environmental Protection
Representative Nicole E. Lowen, Chair
Representative Lisa Marten, Vice Chair, and
Members of the House Committee on Energy & Environmental Protection

Re: SB 502, SD2 – 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.

Meeting: Tuesday, March 16, 2021, 9:00 a.m., Room 325 via videoconference

Position: **STRONG SUPPORT**

Aloha, Chair Lowen, Vice Chair Marten, and Members of the Committee on Energy & Environmental Protection:

The Environmental Caucus of the Democratic Party of Hawai'i and its Natural Resources Committee are in **strong support** of SB502, SD2, as it proposes a constitutional amendment which guarantees 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.

Although the Constitution already mandates a trust obligation of the State to protect Hawaii's natural beauty and all natural resources, an amendment to the State's Bill of Rights guaranteeing an individual's right to a clean and healthy environment would provide a heightened personal protection to the people of the Hawai'i and the environment which is consistent with the Democratic Party Platform.

The Democratic Party of Hawai'i (Party) has adopted at its 2018 State Convention, clear safeguards to promote and protect our clean and healthy environment. At page 17 of the Party Platform, it specifically provides, to wit:

ENVIRONMENT

The Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment is essential. We support a sustainable society that utilizes Senator Karl Rhoads, Chair

the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling and waste reduction.

The conservation, preservation and restoration of Hawai'i's natural resources are connected to the health and welfare of our people; therefore, we support the conservation and protection of our natural environment, which includes reducing our carbon footprint for the benefit of current and future generations.

We support the protection of our 'āina against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands for water, we must assess the current condition of our aquifers and take appropriate actions to secure our fresh water resources.

We support democratic participation of citizens and residents to protect (i) valuable coastal ecosystems and reefs from misuse and (ii) beaches for public use and recreation. The Hawai'i Coastal Zone Management (CZM) law, HRS Chapter 205A, currently provides for public participation in management of coastal resources.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources.

We know that climate change is a real threat to our islands and the world. We strongly urge our candidates and elected officials to take immediate action to mitigate and adapt to the consequences of climate change. This includes funding adaptation measures including coastal retreat, effective participation of indigenous peoples in climate change governance, and recognition that indigenous, local, and traditional ecological knowledge is key in climate change adaptation solutions.

Representative Nicole E. Lowen, Chair
Representative Lisa Marten, Vice Chair
SB 502, SD2
March 16, 2021
Page 3

We strongly urge you to pass SB502, SD2, as it proposes a constitutional amendment which guarantees 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.

Although the Constitution already mandates a trust obligation of the State to protect Hawaii's natural beauty and all natural resources, an amendment to the State's Bill of Rights guaranteeing an individual's right to a clean and healthy environment would provide a heightened personal protection to the people of the Hawai`i and the environment which is consistent with the Democratic Party Platform.

Thank you very much for the opportunity to testify on this key issue.

Respectfully yours,

Alan B. Burdick
Co-Chair, Environmental Caucus
Co-Chair, Natural Resources Committee
Democratic Party of Hawai`i
Email: burdick808@gmail.com

Melodie R. Aduja
Co-Chair, Environmental Caucus
Co-Chair, Human Environmental Impacts Committee
Democratic Party of Hawai`i
Email: legislativepriorities@gmail.com



To: The Honorable Nicole Lowen, Chair,
The Honorable Lisa Marten, Vice Chair, and Members of the
House Committee on Energy and Environmental Protection

From: Maya K. van Rossum, Green Amendments For The Generations

Hearing Date: Tuesday March 16, 2021, 9:00 a.m., by videoconference

Re: **SB502 SD2: 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.**

Honorable Members of the House Committee on Energy and Environmental Protection,

I would like to offer this comment regarding SB502 SD2, the proposal to add to the Bill of Rights of the Hawaii Constitution the right of each person in Hawaii to a clean and healthy environment.

My name is Maya van Rossum, I am an attorney, leader of the organization Green Amendments For The Generations, and author of the book titled *The Green Amendment, Securing Our Right to a Healthy Environment*, focused on the power and importance of Bill of Rights constitutional recognition and protection of environmental rights.

Adding Environmental Rights to the Hawaii Constitution's Bill of Rights will provide important and valuable additional protections for the natural resources and the people of Hawaii.

The environmental rights amendment proposed by SB502 SD2 is an important addition to the Hawaii Constitution, providing a new and important tool for protecting the natural resources of the state and ensuring the environmental rights of Hawaii's people are given the same high level protection that is given to other fundamental rights like speech, religion, property, and civil rights.

While Hawaii has in place important environmental protections in its constitution as recognized and applied by the courts, SB502 SD2 will help fill a significant gap by recognizing enforceable environmental rights that belong to all the people of Hawaii.

Ensuring Constitutional Protection of Environmental Rights Will Not Encourage an Onslaught of Litigation Nor Unduly Burden the State Budget.

While environmental rights will support important legal claims essential to address environmental pollution and degradation harmful to the lives of the people of Hawaii, it is not expected to support

a sudden rush of litigation and will certainly not support an onslaught of frivolous litigation. Legal actions in Pennsylvania and Montana, the only two states that currently provide Bill of Rights protection comparable to what is now under consideration in Hawaii, have been to address serious issues of public concern.

The most important values of environmental rights amendments are about changing government decisionmaking in order to avoid, address, and remedy environmental harms advanced by government action which overreaches and results in constitutional environmental rights violations.

By its terms the proposed environmental rights amendment is not calling for outlays of government funds to address environmental issues. The focus of the proposed constitutional language is ensuring government decisionmaking that avoids environmental pollution and degradation that rises to the level of violating people's rights. Remedies for constitutional violations will be equitable, rather than money damages. In those situations where government overreach is causing a constitutional violation, as with other fundamental rights, the remedy will be to modify or reverse the harmful decision, or for government to demonstrate a compelling state interest and appropriate measures to minimize the harm. For example, in Pennsylvania and Montana this has included:

- ✓ reforming regulatory permit requirements to ensure environmental rights protection;
- ✓ rescinding unconstitutional statutory language before harm is created;
- ✓ undertaking additional scientific, factual and cumulative impact reviews to ensure constitutional obligations and rights will be met when permitting;
- ✓ preventing local or state government from having to act in ways that would result in constitutional violations (e.g. protecting the zoning authority and decisions of local government);
- ✓ protecting the state from having to enforce a contract that would result in an unconstitutional despoilment of the drinking water supply of an entire town; and
- ✓ ensuring funding constitutionally dedicated to natural resources protection was not misappropriated for other uses.

The amendment is about protecting environmental rights; the remedy will take many different forms, and in Pennsylvania and Montana those have not been about massive government expenditures.

Notably, avoiding or remedying environmental harm is beneficial for protecting jobs, economic development, property values and associated tax revenues and as a result protects government from unnecessary costs caused by environmental degradation, and generates valuable state and local revenues. For example, a constitutional environmental rights amendment, if in place years ago, could have empowered the Hawaii government to prevent use of dangerous Perfluorinated chemicals (PFC – also known as PFAS or PFOS) until it was proven safe or could have required methods that would have ensured it did not escape into the environment, thereby avoiding the environmental, economic, job, health, property and safety harms now costing so many so much.

Article I recognition of environmental rights is a powerful tool for good government actors to strengthen their environmental protection efforts.

While the amendment will be a tool to prevent environmental harm, it will also provide legislators, regulators, the attorney general's office and others in government the constitutional grounding upon which to advance positive and strengthened environmental protections.

In Pennsylvania which currently has Bill of Rights protection for environmental rights, the obligation to protect the rights of the people to a clean and healthy environment has been used by legislators as a foundation for advancing environmental protection legislation; by the governor to veto legislation that would undermine the ability of local communities to put in place stronger environmental protections they deem necessary; by the Attorney General to support important environmental enforcement actions; and by local municipalities to support protective environmental decisions.

Given the Hawaii Attorney General's testimony on this matter, I include at the end of my comments a number of examples of how the PA Attorney General has benefitted from the existence of a Bill of Rights environmental right in that state.

The Proposed Environmental Rights Amendment Provides Clear and Helpful Legal Guidance.

The proposed environmental rights amendment is not merely an aspirational goal – it will provide procedural and substantive mandates that will provide clear guidance to government officials and meaningfully advance environmental protection and environmental justice, including to:

- ⇒ ***Ensure a focus on prevention of environmental degradation when there is the best opportunity for preventing harm.*** Just as is the case with other fundamental rights, the language and Article I placement of the proposed environmental rights amendment will ensure government include a conscious effort to avoid infringing on the constitutional right. In the environmental rights context this means considering environmental rights impacts and protections as part of their decisionmaking process and working to prevent infringement and harm. It is during decisionmaking when there is the best opportunity for preventing harm.
- ⇒ ***Ensure a compelling state interest and effort to minimize environmental harm when rights are infringed upon.*** Article I placement will ensure that when government does knowingly infringe on environmental rights there is a compelling state interest and is a demonstrated effort to minimize the impacts on the right, i.e., minimize environmental harm.
- ⇒ ***Ensure the rights of all people are protected equitably regardless of race, ethnicity or socioeconomic status*** because all individuals and communities have the same rights to a clean and healthy environment and government officials will be constitutionally-bound to seek to protect the rights of all.
- ⇒ ***Ensure government action balances environmental protection with other goals, rights and obligations.*** Article I placement will ensure that the fair balancing of rights in decision-making includes the environment; e.g., if both property and environmental rights might be

affected by government action then both must be considered, balanced and protected by the final outcome.

- ⇒ ***Ensure recognition and protection of the indigenous, human health and other important values in government decisionmaking.*** It is noteworthy that the cultural environmental values of Hawaii's Indigenous communities receive explicit protection in the proposed amendment; as do the human health benefits of a quality environment; and the tremendous benefits and values provided by the scenic benefits of the environment.
- ⇒ ***Ensure all arms of government understand they have a role in environmental rights protection.*** The amendment will make clear that environmental rights must be honored and protected by all government officials. Ensuring that all government bodies are prioritizing environmental protection as part of decisionmaking will enhance the opportunity for environmental success.

The language in the proposed amendment is appropriately broad.

As expressed by Senator Franklin Kury, the lead legislative sponsor for Pennsylvania's environmental rights amendment: "... amendments like those in the U.S. Bill of Rights should be broadly drafted so their vitality would carry well into the future."

Broad language is characteristic of protected Article I rights. As with other language in the Bill of Rights, there is a well-exercised and understood process for defining key terms as these, i.e.:

- ⇒ definition will begin with the legislative and executive arms of government through passage of legislation, regulations, policies, and decision-making that respects and protects the rights.
- ⇒ It is then incumbent on the people and the courts to challenge and/or support such decisions through the judicial system, which will provide further refinement, guidance and understanding as to how these terms are to be applied and fulfilled.

Hawaii's government officials, courts and justices are well-equipped to define, interpret and apply constitutional environmental rights language using standard principles of legislative interpretation and constitutional law – they have done so successfully with other Article 1 rights; they are well equipped to do so for environmental rights as well.

I hope you find this information helpful in understanding how SB502 SD2 is an important, meaningful and powerful step forward for advancing environmental protection and environmental justice in Hawaii.

Mahalo,



Maya K. van Rossum
Founder/Leader/Attorney
Green Amendments For The Generations

Addendum: Attorney General Uses in Pennsylvania of Bill of Rights Environmental Rights

March 30, 2017: [Attorney General Shapiro Announces \\$30.4 Million Settlement with Volkswagen for Environmental Damages](#)

“I’m fighting to ensure a healthy environment for Pennsylvanians and protect their right to clean air and pure water,” Attorney General Shapiro said in announcing the settlement. “In this settlement, our prosecutors have addressed the serious harms caused by Volkswagen’s emissions device and its conscious cheating that resulted in excessive, illegal amounts of pollutants fouling the air across our Commonwealth.”

December 11, 2017: [Environmental Firm Executive Charged with Illegally Storing and Disposing Hazardous Waste](#)

“This defendant illegally stored and disposed of hazardous wastes for many years,” Attorney General Shapiro said. “Wastes were illegally poured down the drain on the company’s property. I won’t allow anyone to deliberately harm Pennsylvanians’ rights to clean air and pure water. Our Environmental Protection Section works every day to safeguard the environment in our Commonwealth.”

February 1, 2019: [Attorney General Josh Shapiro Files 161 Criminal Charges Against Pittsburgh Water & Sewer Authority](#)

“Pennsylvanians have a constitutional right to clean air and pure water – I’m here to defend that,” Attorney General Shapiro said, at a news conference at a recreation center in Pittsburgh’s Lawrenceville neighborhood – an area impacted by the Authority’s violations. “The Water & Sewer Authority knew it was required to notify residents of its plans to replace service lines, and it knew it was required to sample the lines for lead content – yet it failed to do so. That makes PWSA criminally liable under the Safe Drinking Water Act.”

March 26, 2019: [CASE UPDATE: Former Owner of Lackawanna County Business Sentenced to 11 ½ to 23 Months in Prison on Environmental Crimes Charges](#)

“Pennsylvanians have a right to clean air and water, and my Office will not tolerate anyone who acts with such disregard for the laws protecting our environment,” Attorney General Josh Shapiro said. “Illegally storing and disposing of hazardous waste creates serious danger for communities. Thank you to the local fire departments in Jessup for their fast response to the fire caused by this man’s reckless actions—their response prevented damage to nearby homes of families who were forced to evacuate.”

August 20, 2019: [CASE UPDATE: Berks County Construction Company Owner Pleads Guilty to Falsifying Drinking Water Reports](#)

“Pennsylvanians have a constitutional right to clean air and pure water and, as Attorney General, I am committed to defending that right against anyone who tries to impede on it,” said Attorney General Josh Shapiro. “The defendant put the health and wellbeing of the people of Berks and Lancaster Counties at risk by falsely reporting the absence of harmful bacteria in their drinking water. Thanks to the hard work of our Environmental Crimes Section, we put an end to his dangerous behavior.”

May 1, 2020: [AG Shapiro: Inflection Energy to Pay \\$40K to Conservation Groups for Polluting Lycoming County Water](#)

Attorney General Josh Shapiro today announced that Inflection Energy, a natural gas company, has entered a plea for its role in the 2017 wastewater spill in Loyalsock Creek located in Lycoming County, and will pay \$40,000 to conservation groups in the area. “Pennsylvanians have a constitutional right to clean air and pure water,” said Attorney General Shapiro. “Any company that endangers those rights will be thoroughly investigated, without fear or favor. This is just another example– there will be more– as we continue our efforts to protect public health and preserve our heritage and natural resources for the next generation.”

May 19, 2020: [AG Shapiro Files Criminal Charges Against Carbon County Recycling Facility](#)

“Pennsylvanians have a right to clean air and pure water. Today, we charged Plastic World Recycling for dumping an outrageous amount of cleaning agents into a Carbon County creek that people rely on for trout fishing,” said Attorney General Shapiro. “Any company, big or small, that endangers our environmental rights will be thoroughly investigated. This is just one example– there will be more– as we continue our efforts to protect public health and preserve our heritage and natural resources for the next generation.”

SB-502-SD-2

Submitted on: 3/15/2021 8:16:39 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	No

Comments:

To: The Honorable Nicole Lowen, Chair,

The Honorable Lisa Marten, Vice Chair, and Members of the

House Committee on Energy and Environmental Protection

From: Climate Protectors Hawaii (by Ted Bohlen)

Re: Hearing **SB502 SD2**– 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.

Tuesday March 16, 2021, 9:00 a.m., by videoconference

Aloha Chair Lowen, Vice Chair Marten, and Energy and Environmental Protection Committee members:

Position: **The Hawaii Reef and Ocean Coalition STRONGLY SUPPORTS SB502 SD2!**

The HAWAII' I REEF AND OCEAN COALITION – HIROC – was formed in 2017 by coral reef scientists, educators, local Hawaii environmental organizations, elected officials, and others to address the crisis facing Hawaii's coral reefs and other marine life. The Hawaii Reef and Ocean Coalition **STRONGLY SUPPORTS SB502 SD2!**

This Bill proposes a constitutional amendment to Article I, the Hawaii Bill of Rights, which, if approved by voters, would guarantee 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. The inclusion of this self-executing fundamental right in Article I would complement, not be redundant with, the existing recognized role of government as public trustee in Article XI.

This Constitutional amendment would provide a new and important tool for protecting the natural resources of the State. While Hawaii has in place some important environmental protections in its Constitution as recognized and applied by the courts, SB502 SD2 will add a self-executing right to a healthy environment. This new amendment would fill a significant gap where there is not yet a law to address a serious environmental condition or threat, until legislative protections can catch up, and strengthen enforceable environmental rights that belong to all the people of Hawaii. SB502 SD2 will ensure that environmental rights are given the same strength and constitutional standing as other fundamental rights such as speech, religion, property, and civil rights.

HIROC particularly applauds the inclusion of **healthy ecosystems** in the rights that would be guaranteed in this amendment, if adopted, as they would directly affect the public interest in the health of coral reefs and other aquatic life. HIROC was formed out of concern for this overlooked (and typically degraded) public interest.

Environmental threats are growing worse and we are facing an existential climate crisis and rapid declines in aquatic life. Because healthy environments are not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic needs can become an afterthought in decision making, and sometimes is not considered at all. This bill could begin to rectify that deficiency. The sooner the rights to a clean and healthy environment, pure water, clean air, and healthy ecosystems are recognized as fundamental rights, the better the future will be for our children, oceans, coral reefs and other marine life.

It has been argued that the amendment proposed by this bill is too general and ambiguous to be implemented and enforced without any additional legislation that sets standards or requirements for a clean and healthy environment. But, broad language is characteristic of fundamental Constitutional rights such as speech, religion, property, and civil rights. Such rights should be broadly drafted so their vitality will carry well into the future. The terms "pure water," "clean air," and "healthy ecosystems," are no less clear than the language in other Hawaii Bill of Rights provisions, e.g., the right to "peaceably to assemble", the "right of the people to privacy", the right to be free from "excessive bail"; these terms are all open to interpretation. Hawaii's government officials and courts are well-equipped to define, interpret and apply constitutional environmental rights language using standard principles of legislative interpretation and constitutional law – they have done so successfully with other Article 1 amendments; they are well equipped to do so for environmental rights as well.

It has also been argued that a green Constitutional amendment would expose the State to possible liability as a defendant. This should not be a significant concern. There may be suits brought, but awards would not be granted against the State unless the courts find the State has violated a Constitutional right. Experience confirms that this should not be a concern. Despite expressed concerns at the time, the expanded view of State Constitutional public trust obligations in the past 15 years since *Kelly v. 1250 Oceanside* (2006) has not led to significant damage awards against the State. If some

suits alleging Constitutional right violations improve the State's behavior without significant costs, that is likely a good thing for Hawaii.

The recognition of fundamental environmental rights can also benefit the State. The amendment could provide a foundation for government efforts to pursue polluters. In Pennsylvania and Montana, the two states with Bill of Rights protection for environmental rights, the legal actions filed reportedly have been to address serious issues of public concern – protecting drinking water, supporting government action to secure responsible party clean-up of toxic contamination, and protecting local zoning authority intended to protect local environments. In Pennsylvania, the obligation to protect the rights of the people to a clean and healthy environment reportedly has been used: by legislators as a foundation for advancing environmentally protection legislation; by the governor to veto legislation that would undermine the ability of local communities to put in place stronger environmental protections they deem necessary; by the Attorney General to support important environmental enforcement actions; and by local municipalities to support protective environmental decisions.

In addition to Hawaii, there are reported to be 10 other states considering similar amendments at this time, among them New Mexico, Washington, Oregon, New Jersey, New York, Vermont, Maryland, Kentucky, West Virginia and Maine. It would be a powerful statement of Hawaii's commitment to environmental protection if we could be among the first states in the modern era to provide this most critical protection to the rights of all our people to clean environment, pure water, clean air and healthy ecosystems.

In Hawaii, where environmental protection is so deeply honored and valued as part of the culture, beliefs, way of life and economy, SB502 SD2 would be a powerful value-added tool for advancing economic development that also ensures environmental protection.

Mahalo for the opportunity to testify! Please pass this very important legislation!

HAWAI'I REEF AND OCEAN COALITION (by Ted Bohlen).



To: The Honorable Nicole Lowen, Chair,
The Honorable Lisa Marten, Vice Chair, and Members of the
House Committee on Energy and Environmental Protection

Hearing Date: Tuesday March 16, 2021, 9:00 a.m., by videoconference

Re: SB502 SD2: Amending Article 1 of the Hawaii Constitution to Guarantee all
individuals the right to a clean and healthy environment.

Aloha Honorable Members of the House Committee on Energy and Environmental
Protection,

We are writing in support of SB502 SD2, the proposal to add environmental rights to the
Bill of Rights of the Hawaii Constitution.

Hawaii is nationally and internationally recognized as a leader in environmental
protection. Our beautiful environments nurture the quality of our healthy lives here in
Hawaii and also is a mainstay of our economy. Our Hawaiian coral reefs alone have been
recognized in peer-reviewed research as generating \$33.57 billion of economic value.
Protecting our environment at the highest level is essential to and for all the people of
Hawaii.

That is why we are urging you to support passage of SB502 SD2 that would recognize the
rights of all the people of Hawaii to a clean and healthy environment, and to the cultural,
natural, scenic and human health values of our environment.

Currently there are already two states, Pennsylvania and Montana, that provide Bill of
Rights recognition and protection for environmental rights. In addition to Hawaii, there are
10 other states considering similar amendments at this time, among them New Mexico,
Washington, Oregon, New Jersey, New York, Vermont, Maryland, Kentucky, West Virginia
and Maine. It would be a powerful statement of our commitment to environmental
protection if we could be among the first states in the modern era to provide this most
critical protection to the rights of all our people to pure water, clean air and healthy
environments.

The proposed Bill of Rights environmental rights amendment will:

- ✓ raise up our environmental rights so they become part of the guiding obligations and principles for all government action in Hawaii;
- ✓ strengthen environmental justice by ensuring protection of the environmental rights of all people regardless of race, ethnicity or socioeconomic status;
- ✓ strengthen protections for the indigenous cultural values of our environment;
- ✓ strengthen protections for the scenic, human health and natural values of our healthy environments;
- ✓ ensure that when there are competing interests, environmental protection and rights will be part of the balancing of rights to be protected, rather than becoming subservient to other asserted rights, goals and needs.
- ✓ ensure environmental rights are protected on par with property rights; and
- ✓ ensure that prevention of pollution and environmental degradation is given a priority throughout government decisionmaking, rather than accepting environmental degradation as a foregone conclusion to be managed through permitting.

We urge you to continue Hawaii's recognized leadership for environmental protection by supporting amending our state Bill of Rights to include the right of all people to a clean and healthy environment.

Mahalo for the opportunity to share this perspective,

Signed:

Lauren Blickley, Hawai'i Regional Manager, Surfrider Foundation

Dyson Chee, Advocacy Director, Hawai'i Youth Climate Coalition

Ted Bohlen, Climate Protectors Coalition

Ted Bohlen, Hawaii Reef and Ocean Coalition

Maxx Phillips, Esq., Hawai'i Director and Staff Attorney, Center for Biological Diversity

Maya K. van Rossum, Founder, Green Amendments For The Generations



**Hawaiian
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON
ENERGY AND ENVIRONMENTAL PROTECTION**

SB 502 SD2

Tuesday, March 16, 2021
9:00 am, Agenda Item #3
State Capitol, Conference Room 325 via Videoconference

Karin Kimura
Director, Environmental
Hawaiian Electric Company, Inc.

Chair Lowen, Vice Chair Marten, and Members of the Committee:

My name is Karin Kimura and I am testifying on behalf of Hawaiian Electric on **SB 502 SD2**.

SB 502 SD2 proposes to amend Article I of the Constitution of the State of Hawaii to guarantee all individuals the right to have a clean and healthy environment through a ballot amendment with the following question, “Shall the Constitution of the State of Hawaii 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?”

While Hawaiian Electric, as part of its strategic plan, includes a clear goal to maintain the environment and comply with environmental regulations, there are grave concerns with creating a constitutional right to the items listed in this proposed amendment because of the potential legal impacts on the permitting of renewable and other clean energy projects and the Company’s operations. These renewable and other

clean energy projects in and of themselves address the protection and sustainability of the environment. Additionally, Hawaiian Electric believes that state and federal statutes and associated regulations already provide sufficient protections and due process opportunities for citizens to guarantee the right to a clean and healthy environment. State statutes such as Chapter 343 Hawaiian Environmental Policy Act and federal laws such as the Clean Water Act and the Clean Air Act provide stringent controls and allow for citizen participation.

The conversion of traditionally regulated protections into constitutional rights will potentially open the door to lawsuits that are beyond the confines of existing regulation. The added complexity of designating these rights as constitutional rights could open the door to new and sweeping judicial challenges to obtaining approvals for clean energy projects and could create challenges to the day to day operations, which are already highly regulated.

Hawaiian Electric therefore has serious concerns with SB 502, SD 2. Thank you for the opportunity to testify.



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

HAWAII CHAPTER

March 15, 2021

The Honorable Representative Nicole Lowen
The Honorable Representative Lisa Marten
House Committee on Energy and Environmental Protection

RE: **SB 502 SD2- Proposing Amendment to Article I of the Constitution to Guarantee All Individuals the Right to Have a Clean and Healthy Environment**
Hearing date: Tuesday, March 16, 2021 at 9:00AM

Aloha Chair Lowen, and Members of the Committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii to provide **COMMENTS** on SB 502, SD2. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

SB 502, SD2 proposes a constitutional amendment which guarantees 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. The measure is self-executing and effective fifty years after approval by vote of the electorate. The measure was amended to remove language referencing to the right to a stable climate.

NAIOP respects and encourages the efforts of the legislature to assure a clean and healthy environment for all. However, the language in SB 502, SD2 bestowing this individual right appears to be so broad and ambiguous that it could create unrealistic and unachievable expectations with unlimited economic costs, litigation and delays. That in could result in very dire and unintended consequences like shutting down tourism, construction and many other parts of Hawaii's already fragile economy. Therefore, we strongly encourage the legislature to carefully study the benefits and pitfalls of expanding the constitution in this manner before passing such as measure. The study should include a detailed and date driven cost-benefit analysis prepared by a financial auditor to determine the impacts of such a broad amendment.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Catherine Camp".

Catherine Camp, President
NAIOP Hawaii

March 16, 2021

The Honorable Nicole E. Lowen, Chair

House Committee on Energy and Environmental Protection

Via Videoconference

RE: Senate Bill 502, SD2, 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.

HEARING: Tuesday, March 16, 2021, at 9:00 a.m.

Aloha Chair Lowen, Vice Chair Marten, and Members of the Committee,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **provides comments on** Senate Bill 502, SD2, which proposes a constitutional amendment, which guarantees 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. Self-executing. Effective fifty years after approval by vote of the electorate.

While HAR supports efforts to provide a clean and healthy environment, HAR believes the Hawai'i State Constitution already provides for such efforts. Some examples are:

- **Article IX, Preservation of a Healthful Environment**

Section 8. The State shall have the power to promote and maintain a healthful environment, including the prevention of any excessive demands upon the environment and the State's resources.

- **Article XI, Conservation Control and Development of Resources**

Section 1. For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

Section 9. Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

As such, HAR believes this constitutional amendment may not be necessary. Furthermore, making this an inalienable right may open the State and other parties to litigation.

Mahalo for the opportunity to testify.



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII**

March 16, 2021

**Re: SB 502 SD1 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**

Good morning Chairperson Lowen and members of the House Committee on Energy and Environmental Protection. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to SB 502 SD1 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. This measure proposes a constitutional amendment which guarantees 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. Self-executing. Effective fifty years after approval by vote of the electorate.

Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect our environment. However, we do not feel that this type of legislation is needed as it is already addressed. While everyone who live and visits Hawaii wants to have a clean and healthy environment, Hawaii's constitution already provides for this.

This measure also has far more reaching consequence beyond what is stated. We believe that the larger picture and the true effects of this bill should be looked into and understood. We would also like to point out that to expand this measure to include "pure water, clean air, and healthy ecosystems, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment" is vague and ambiguous and could have adverse affects to not only business, but the state as well. The interpretation could annihilate not only many businesses but entire industries like that of tourism.

For these reasons, we respectfully urge you to hold this bill.

Mahalo again for this opportunity to testify.

SB-502-SD-2

Submitted on: 3/16/2021 12:21:51 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Doorae Shin	Surfrider Foundation	Support	No

Comments:

Aloha,

Surfrider Foundation strongly supports SB502 and is a signatory on the sign on letter submitted by Maya K van Rossum. This is an important effort that would provide significant protection for all people of Hawaii to access clean air, clean water, and a healthy climate.

Mahalo,
Doorae Shin
Oahu Chapter Coordinator
Surfrider Foundation



Nicole Chatterson
Director, Zero Waste O'ahu
March 15, 2021

March 15, 2021

Aloha Chair Lowen, and EEP Committee Members,

Mahalo for the opportunity to testify on this matter. As the Executive Director of Zero Waste O'ahu, a local non-profit working to rebuild an equitable and waste-free Hawai'i, I am testifying in **support of SB 502: 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.**

A constitutional Green Amendment added to the Hawaii constitution will help **strengthen environmental protection, environmental justice, and strengthen protection for the cultural and human health benefits of a clean and healthy environment in Hawaii.**

A Green Amendment will fill in the gaps in environmental laws and provide a legal basis for securing water, air and environmental protection even in those situations where there is no state law or regulation to provide protection. The Green Amendment ensures a focus on prevention of environmental harm before simply reverting to harm management or environmental cleanup.

While the amendment will be a tool to prevent environmental harm, it will also provide legislators & regulators constitutional grounding upon which to advance positive and strengthened environmental protections. This amendment can provide where the current constitutional language does not. The Green Amendment provides an **enforceable individual right to pure water, clean air and healthy environments.** Constitutionally recognized individual environmental rights are needed to ensure that when government action is taken, including legislation passed, the **rights of the people to pure water, clean air, healthy ecosystems, a stable climate and the natural, cultural, scenic and healthful qualities of the environment** is always honored.

Mahalo for your time and consideration,

A handwritten signature in black ink, appearing to read 'NCh', with a long horizontal line extending to the right.

Nicole Chatterson, Executive Director of Zero Waste O'ahu

SB-502-SD-2

Submitted on: 3/13/2021 1:48:57 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Caron	Individual	Support	No

Comments:

Dear Committee Members,

I wholeheartedly support this bill. It *should* be a human right to have access to a clean and healthy environment. I am confused by the start date, however. I think it should come into effect immediately after it is passed.

Mahalo!

SB-502-SD-2

Submitted on: 3/13/2021 9:21:14 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taurie Kinoshita	Individual	Support	No

Comments:

I strongly support SB 502 SDs. This bill proposes a constitutional amendment which guarantees 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. Our current laws and protections aren't working. Corporate for-profit institutions with their heavy influence in government have continually blocked efforts to protect our community from environmental degradation. This bill would firmly enshrine in the Hawaii Constitution the right to a clean and healthy environment, thereby helping to strengthen laws on the books, and help fill the gaps that are left. Please pass this important bill! Thank you for your consideration. Sincerely, Taurie Kinoshita, Makiki resident, lifetime Oahu resident and voter.

SB-502-SD-2

Submitted on: 3/13/2021 10:01:53 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments:

I OPPOSE SB-502 SD2, on the grounds that it is unnecessary since these rights already exist in Article XI Section 9 of the Hawai'i Constitution. I support the recommendation of the State Attorney General.

This bill is too general and ambiguous to be implemented and enforced, and may have unintended consequences that will lead to increased litigation against the State to enforce these constitutional rights, all at taxpayer expense.

SB-502-SD-2

Submitted on: 3/14/2021 8:58:15 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I come from Papakāleia, O‘ahu. I currently reside in Mā‘ili‘ili in my ancestral homelands.

I strongly support this measure in its SD1 version. **Please restore the SD1 language in this bill which included a right to a stable climate.** This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

This bill proposes a Hawai‘i constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Therefore, I ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore also be added.

Support SB502 and restore SD1 language.

me ke aloha 'Ä• ina,

Nanea Lo

SB-502-SD-2

Submitted on: 3/14/2021 9:03:42 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy K. Tang	Individual	Support	No

Comments:

This Bill is a written guarantee. A RIGHT, for everyone to a clean and healthy environment, including pure water, clean air and healthy ecosystems. It also preserves the natural, cultural, scenic and magnificent qualities of the environment.

It's amazing to me, that we even need to specify these things, but clearly, our current laws and protections, aren't working. Corporate institutions, with their heavy influence in government, have always blocked efforts to protect our communities from environmental degradation.

This Bill, firmly placed in the Hawai'i Constitution, would help to strengthen future laws, regarding the health and well being of our environment and all of us that call Hawai'i home.

SB-502-SD-2

Submitted on: 3/14/2021 10:13:55 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Arkin	Individual	Support	No

Comments:

-I strongly support this measure in its SD1 version. **Please restore the SD1 language in this bill which included a right to a stable climate.** This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

-This bill proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

-Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Therefore, I ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore also be added.

SB-502-SD-2

Submitted on: 3/14/2021 12:29:44 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Punihaole Kennedy	Individual	Support	No

Comments:

Hawaii is nationally and internationally recognized as a leader in environmental protection. Our beautiful environments nurture the quality of our healthy lives here in Hawaii and also is a mainstay of our economy. Our Hawaiian coral reefs alone have been recognized in peer-reviewed research as generating \$33.57 billion of economic value. Protecting our environment at the highest level is essential to and for all the people of Hawaii.

SB-502-SD-2

Submitted on: 3/14/2021 12:29:51 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
P Noel Bobilin	Individual	Support	No

Comments:

Aloha, I strongly support this measure in its SD1 version. **Please restore the SD1 language in this bill which included a right to a stable climate.** The phrase "Stable Climate" is part of the nexus of our environment. It was removed and needs to be put back in - the point is we need to do our part **not** to contribute to the problem, and it is so very important that this reference to a stable climate be restored.

This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction. Just look at what happened in Haleiwa and Maui, these events are getting worse and more frequent.

I ask that a right to a stable climate be added back to the language in this bill. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. Mahalo.

SB-502-SD-2

Submitted on: 3/14/2021 2:49:27 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniela Escontrela	Individual	Support	No

Comments:

I strongly support this measure in its SD1 version. **Please restore the SD1 language in this bill which included a right to a stable climate.** This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

SB-502-SD-2

Submitted on: 3/14/2021 2:53:30 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Taylor	Individual	Support	No

Comments:

This bill proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems. Rights should also include a stable climate.** This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

SB-502-SD-2

Submitted on: 3/14/2021 6:55:13 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
william metzger	Individual	Support	No

Comments:

It's time to get serious about the climate crisis. We need a constitutional amendment.

SB-502-SD-2

Submitted on: 3/14/2021 8:25:57 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Nandoskar	Individual	Support	No

Comments:

I strongly support this bill! The sooner the rights to a stable climate and healthy ecosystems are recognized, the brighter the future will be for our children, grandchildren, air, water, oceans, coral reefs and other marine life. It is vital to do all we can to preserve the natural, cultural, scenic and healthful qualities of our beautiful Hawaii nei. Being among the first states to pass this bill would send a clear message of our dedication to environmental justice and protection to the rest of the country and world and inspire other states to do the same.

Please support SB502 SD2! Mahalo for your consideration.

SB-502-SD-2

Submitted on: 3/14/2021 8:31:33 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Support	No

Comments:

Please pass this very important bill!

SB-502-SD-2

Submitted on: 3/14/2021 9:20:06 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
P TIBBS	Individual	Support	No

Comments:

Please support this important bill!

SB-502-SD-2

Submitted on: 3/14/2021 9:40:14 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

-I strongly support this measure in its SD1 version. Please restore the SD1 language in this bill which included a right to a stable climate. This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

SB-502-SD-2

Submitted on: 3/14/2021 11:56:51 PM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brandt	Individual	Support	No

Comments:

Please pass this bill this year as a first step toward more genuine freedom of choice for voters in all future elections.

Mahalo!

Thomas Brandt

T

SB-502-SD-2

Submitted on: 3/15/2021 12:57:47 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Ramos	Individual	Support	No

Comments:

Aloha,

I support this bill with the understanding that removal of "a stable climate" from the amendment's language will not affect the base power to act in accordance with an amended constitution to protect those things that would be hurt as a consequence of the climate crisis. If the remaining language does not cover something that would be guaranteed by a reference to a livable, safe climate, then I hope improvements will be made before advancing this bill.

Thank you,

Dylan Ramos

96816

SB-502-SD-2

Submitted on: 3/15/2021 5:52:57 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lowen, Vice Chair Marten and Committee on Energy and Environmental Protection,

Please support SB502, SD2.

We need a constitutional amendment which guarantees 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.

I strongly support this measure in its SD1 version. **Please restore the SD1 language in this bill which included a right to a stable climate.** This bill was amended by the previous committee, stating that the climate is already unstable when they removed “stable climate” language from the bill. Yes, human actions have caused the climate to become unstable. But the point is we need to do our part not to contribute to the problem, and so it is very important that this reference to a stable climate be restored.

Thank you for taking the time to review this issue. I appreciate the opportunity to provide testimony in support of this bill.

Mahalo,

Caroline Kunitake

SB-502-SD-2

Submitted on: 3/15/2021 8:06:55 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Severine Busquet	Individual	Support	No

Comments:

Aloha Honorable Members of the House Committee on Energy and Environmental Protection,

I am writing in support of SB502 SD2, the proposal to add environmental rights to the Bill of Rights of the Hawaii Constitution that would recognize the rights of all the people of Hawaii to a clean environment and healthy ecosystems, and to the cultural, natural, scenic and human health values of our environment.

Currently there are already two states, Pennsylvania and Montana, that provide Bill of Rights recognition and protection for environmental rights. In addition to Hawaii, there are 10 other states considering similar amendments at this time, among them New Mexico, Washington, Oregon, New Jersey, New York, Vermont, Maryland, Kentucky, West Virginia and Maine. It would be a powerful statement of our commitment to environmental protection if we could be among the first states in the modern era to provide this most critical protection to the rights of all our people to pure water, clean air and healthy environments.

The proposed Bill of Rights environmental rights amendment will 1) raise up our environmental rights so they become part of the guiding obligations and principles for all government action in Hawaii; 2) strengthen environmental justice by ensuring protection of the environmental rights of all people regardless of race, ethnicity or socioeconomic status; 3) strengthen protections for the indigenous cultural values of our environment; 4) strengthen protections for the scenic, human health and natural values of our healthy environments; 5) ensure that when there are competing interests, environmental protection and rights will be part of the balancing of rights to be protected, rather than becoming subservient to other asserted rights, goals and needs. 6) ensure environmental rights are protected on par with property rights; and 7) ensure that prevention of pollution and environmental degradation is given a priority throughout government decision making, rather than accepting environmental degradation as a foregone conclusion to be managed through permitting.

I urge you to continue Hawaii's recognized leadership for environmental protection by supporting amending our state Bill of Rights to include the right of all people to a clean and healthy environment.

Thanks for your attention

Severine Busquet

Hawaii Kai

SB-502-SD-2

Submitted on: 3/15/2021 9:50:59 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Amato	Individual	Support	No

Comments:

I am writing in support of Bill **SB502**. As a scientist, surfer, and resident of Oahu, I feel that a clean environment is a right for all people and animals. Please vote for legislation that prioritizes human and animal health instead of the interests of corporations and their lobbyists. The people of Hawaii have spoken out many times- clean air and water are required for us to thrive. Chemical industry waste and their discarded products are not. Thank you. -Daniel Amato

SB-502-SD-2

Submitted on: 3/15/2021 11:55:29 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Clean The Pacific	Support	No

Comments:

This amendment seems like a no brainer, we should have written it into the U.S. Constitution back when the Native Americans were trying to explain to us, that nature has value just as it is. This obsession with capitalism, particularly development of beautiful pristine lands, has destroyed so much of this world. I encourage you to research photos of Waikiki, when the Royal Hawaiian was the only hotel. Truly, this was the paradise the whole world dreams of, but we paved it and put up a parking lot. Can you imagine? One little pink hotel, what could that hurt? And that's how it happens, slowly but surely, without anyone noticing, we are losing everything beautiful in this world. There's only one way to stop it. The government has to control it, because as sure as the sun coming up in the morning, there will be someone willing to destroy nature to make a buck. This is why I fought so hard to implement the 2% Land Fund. It's not enough. Nature needs more protection and as the world population explodes, from 7 billion during Obama's census to 8 billion now, the pressure from developers and exploiters and polluters will be ever increasing. We need incontrovertible laws that can't be corrupted and manipulated by special interest business groups. Remember, nature is more than a park, it's life.

SB-502-SD-2

Submitted on: 3/16/2021 1:34:08 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas	Individual	Support	No

Comments:

Dear EEP Chair Lowen, EEP Vice Chair Marten and EEP Committee members,

I strongly support Bill SB502 in its original form (SD1).

As SB502 SD1 states,

“Each person has a right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, *and a stable climate*; and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.”

Without this statement being specifically written into our Hawaii Constitution, it becomes a mere afterthought when considering legislation. Its presence in the Constitution obliges our lawmakers to consider climate and environment as top priorities during all decision-making.

Consider how different Texas’ recent weather fiasco might have turned out had this statement been included in their state constitution. Legislators and power companies might have done more to protect the people of Texas. If we in Hawaii mandate that caring for the environment and climate are vital to our existence, our leaders must take that into account.

We know that human activity is having many negative effects around the globe. It is past time for us to take full responsibility for our actions and vow to leave a livable planet for the next generation.

Again, the above statement should be a cornerstone in our Constitution—not a second thought—because these natural elements are inherent (fundamental) and inalienable (indisputable) rights.

Please allow the people of Hawaii to vote on this essential addition to our constitution by passing this bill in its original form, SB502 SD1.

Thank you for listening and for the opportunity to testify.

Sincerely,

Jan Pappas – Aiea, Hawaii

SB-502-SD-2

Submitted on: 3/16/2021 7:15:27 AM

Testimony for EEP on 3/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De Austin	Individual	Support	No

Comments:

Honorable members of the legislature,

I am a full-time Maui resident and taxpayer.

I just was made aware of this bill.

Why are we asking for an amendment, when this requirement already exists in our constitution, under article IX?

Of course, I support this measure but what is the difference between this and article IX?

Respectfully,

Dezireen Austin