



SPONSOR: Rep. Wilson-Anton & Rep. Baumbach & Sen. Hansen & Sen. Brown
Reps. Bentz, Heffernan, K. Johnson, Kowalko, Lambert, Lynn, S. Moore, Morrison, K. Williams; Sens. Ennis, Gay, S. McBride, Pinkney, Sturgeon

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 220

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO PROTECTING DELAWARE'S NATURAL RESOURCES.

WHEREAS, the General Assembly recognizes that all persons have a right to a clean and healthy environment, including pure water, clean air, healthy soils, ecologically healthy ecosystems, a livable climate, and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment; and

WHEREAS, the General Assembly recognizes that Delaware's natural resources, including its water, air, flora, fauna, soil, and climate are the common property of all the people of Delaware, including both present and future generations; and

WHEREAS, other States have included, in their Constitution's Bill of Rights, the natural, inherent and inalienable right of their citizens to a clean and healthy environment and a recognition of the State's obligation to serve as trustee and protect and conserve the State's natural resources.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article I of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 22. Preservation of State's Natural Resources.

Section 22. The people of Delaware have an inherent, indefeasible and inalienable right to a clean and healthy environment, including water, air, soil, flora, fauna, ecosystems and climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. The State shall not infringe upon these rights by action or inaction. The State's natural resources are the common property of all the people, including both present and future generations. The State, including all branches, agencies, and political subdivisions, shall serve as trustee of the State's natural resources and shall conserve, protect, and maintain these resources for the benefit of all its people. This provision, and the rights stated herein, are self-executing and on par with other protected inalienable rights.

SYNOPSIS

This is the first leg of an amendment to the Delaware Constitution to conserve, protect and maintain Delaware's natural resources, including its water, air, soil, flora, fauna, ecosystems and climate. This Amendment would create an inherent and inalienable right for all Delawareans to a clean and healthy environment. The Amendment would also declare that the State, including all of its branches, agencies, and political subdivisions, as trustee of the State's natural resources. By enacting this amendment Delaware would join other States which have or are seeking similar provisions, in their respective Constitutions, creating the same inherent and inalienable rights for their citizens.