SPONSOR: Rep. Wilson-Anton & Rep. Baumbach &
Rep. Dorsey Walker & Rep. Bush & Sen. Hansen &
Sen. Townsend
Reps. Bolden, Griffith, Harris, Heffernan, Lambert,
Longhurst, Morrison, Phillips, Romer; Sens. Gay,
Hoffner, Huxtable, S. McBride, Sokola, Sturgeon

HOUSE OF REPRESENTATIVES
152nd 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; and

WHEREAS, the State, in its role as trustee, shall fulfill its fiduciary responsibility to the people of Delaware and provide for the protection of the environmental life support system of the State; and

WHEREAS, when a violation of a person's right to a clean and healthy environment is identified, the state in its role as trustee should seek to remedy this violation to the benefit of all and not for the purpose of benefiting a single person or group financially; and

WHEREAS, the State shall protect these rights equitably for all people regardless of race, ethnicity, tribal membership status, socioeconomics, gender, or geography; and

WHEREAS, the intent of this amendment is not to hamper economic development but to encourage and support development that maintains the natural resources of the State of Delaware and preserves them for the future; and

WHEREAS, protection of Delaware's environmental interests shall help promote and protect its economic interests, especially at a time where the impacts of climate change directly impact those interests especially in our coastal communities due to the impact of rising sea levels.

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 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'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 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.