



SPONSOR: Rep. Wilson-Anton & Rep. Baumbach & Sen. Hansen & Sen. Townsend
Reps. Bolden, Griffith, Heffernan, 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.

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

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

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

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

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

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

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

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

22 NOW, THEREFORE:

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

25 Section 1. Amend Article I of the Delaware Constitution by making deletions as shown by strike through and 14
26 insertions as shown by underline as follows:

27 § 22. Preservation of State's Natural Resources.

28 Section 22. The people of Delaware have an inherent and inalienable right to a clean and healthy environment,
29 including water, air, soil, flora, fauna, ecosystems and climate, and to the preservation of the natural, cultural, scenic and
30 healthful qualities of the environment. The State's natural resources are the common property of all the people, including
31 both present and future generations. The State, including all branches, agencies, and political subdivisions, shall serve as
32 trustee of the State's natural resources and shall conserve, protect, and maintain these resources for the benefit of all its
33 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.