



www.NMGreenAmendment.org

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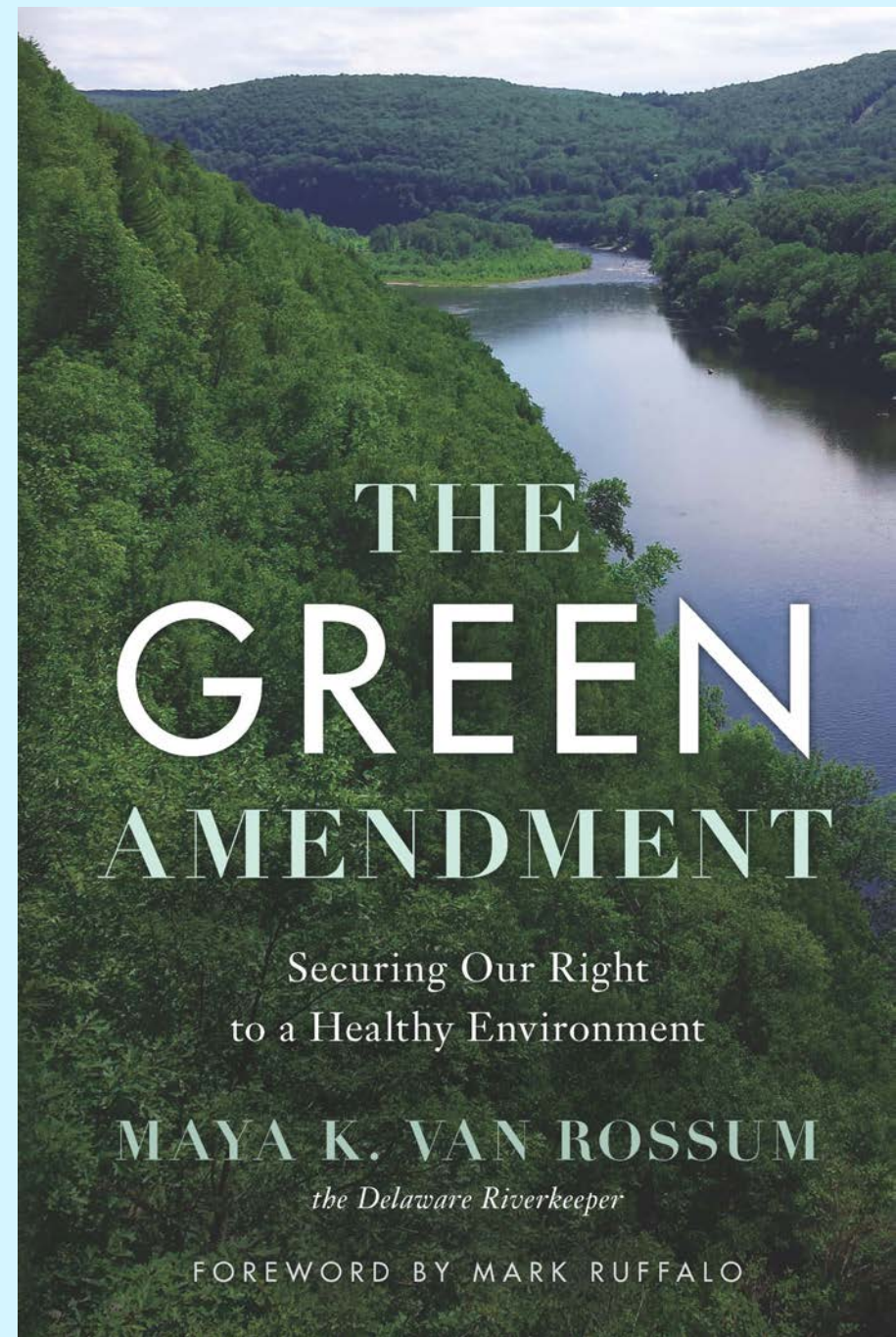
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GREEN AMENDMENTS
FOR THE GENERATIONS
Pure Water. Clean Air. Healthy Environment.

Maya K. van Rossum

Author



Green Amendments For The Generations



GREEN AMENDMENTS
FOR THE GENERATIONS
Pure Water. Clean Air. Healthy Environment.



We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article 1.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative, and until such Enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Massachusetts Bay five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, and Georgia three.

Meaningful Constitutional

When Vacancies happen in the Representation from any State the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clases. The Seats of the Senators of the first Class shall be vacated at the Expiration of their second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; but the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature, which shall then fill such Vacancies.

Recognition & Protection Of Environmental Rights

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and in seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

The Vice President of the United States shall chuse the other Officers, and also a President, pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.





Raise Up Environmental Rights:



clean water



clean air



climate



healthy environments



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Freedom of speech
Freedom of the press
Freedom of religion
Right to peaceable assembly
Right to keep & bear arms
Due process rights
Private property rights

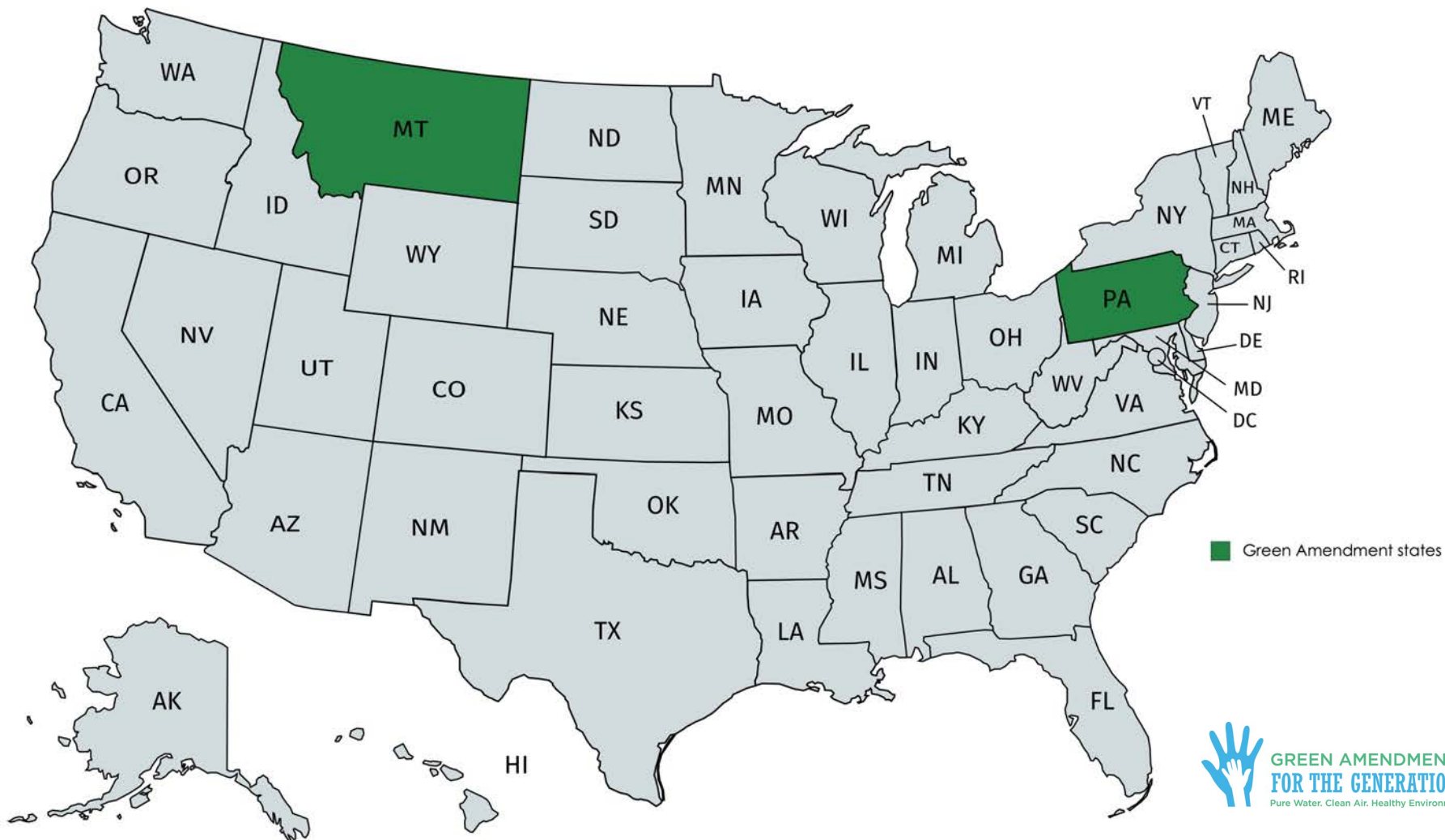


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thereof the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.
The Congress shall assemble at least once in every Year, and such Meetings shall be on the first Monday in December, unless they shall by Law

Key Elements of a Green Amendment

Bill of Rights Protection

Rights of ALL People, including future generations


To life-sustaining environmental rights; including clean & healthy:

 water

 air

 climate

 environments

 important qualities e.g. natural, scenic, cultural and healthful qualities of the environment

Individual Rights & State Obligation as Trustee

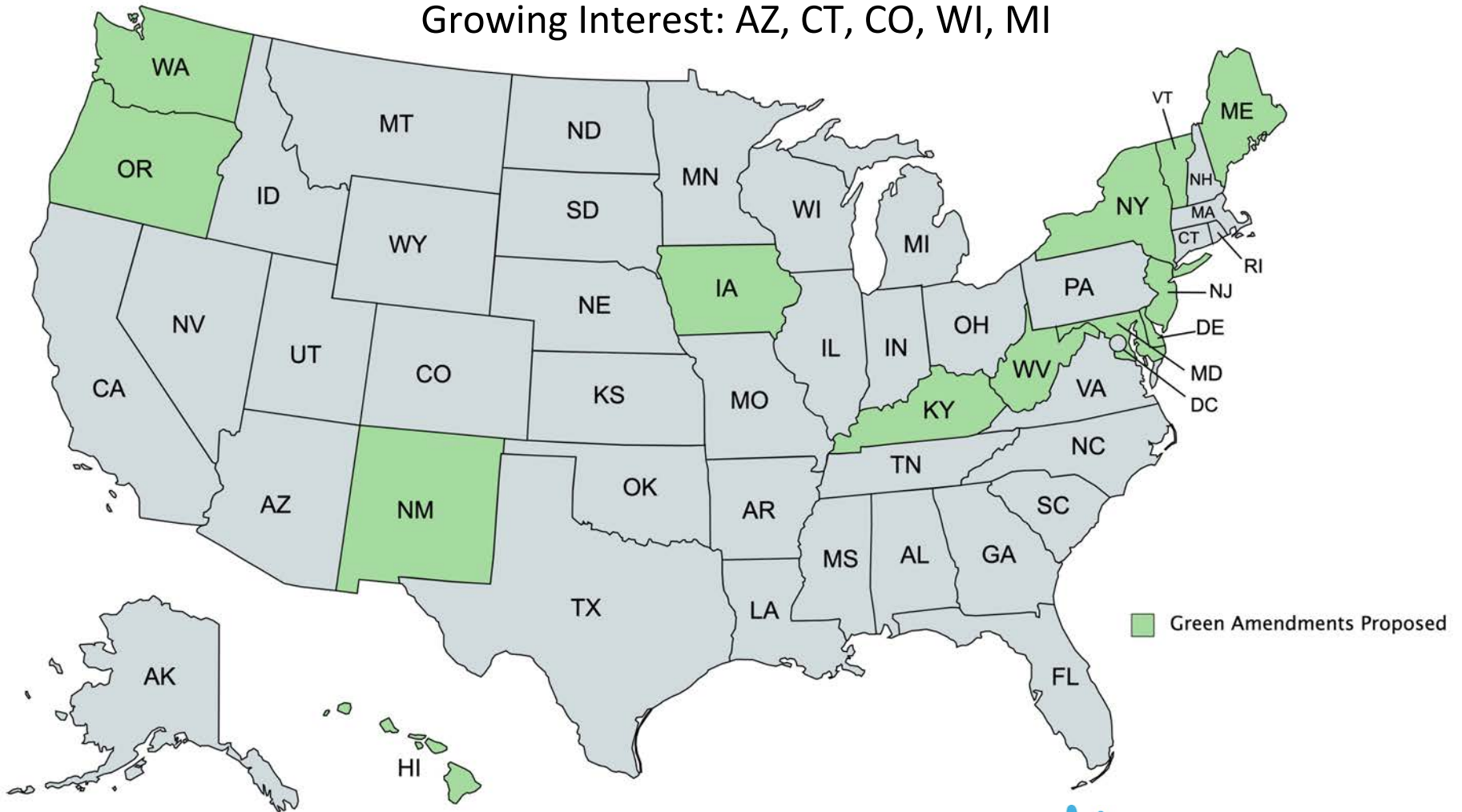
Self Executing



National Green Amendment Movement Taking Hold

Proposals: NY, NJ, NM, ME, MD, WVA, VT, KY, HI, OR, WA, DE, IA

Growing Interest: AZ, CT, CO, WI, MI



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New Mexico As A National Leader



What Does It Mean to Have A Green Amendment?



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Environmental Rights
on par with other civil,
human, political rights



**Refocuses
government on
prevention**

**Throughout
government process
when best
opportunity for
success.**

- Legislation
- Regulation
- Permits
- Decisionmaking



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Protecting Environment for Future Generations a Priority





Green Amendment Will Strengthen Environmental Justice

***Communities of Color,
Indigenous Communities,
Immigrant & Low Income***



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Every individual has a right to a healthy environment, No Matter:



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- ✓ Race
- ✓ Ethnicity
- ✓ Socioeconomics



*Photo Courtesy
Nuclear Issues
Study Group*

Government must protect environmental rights equitably.



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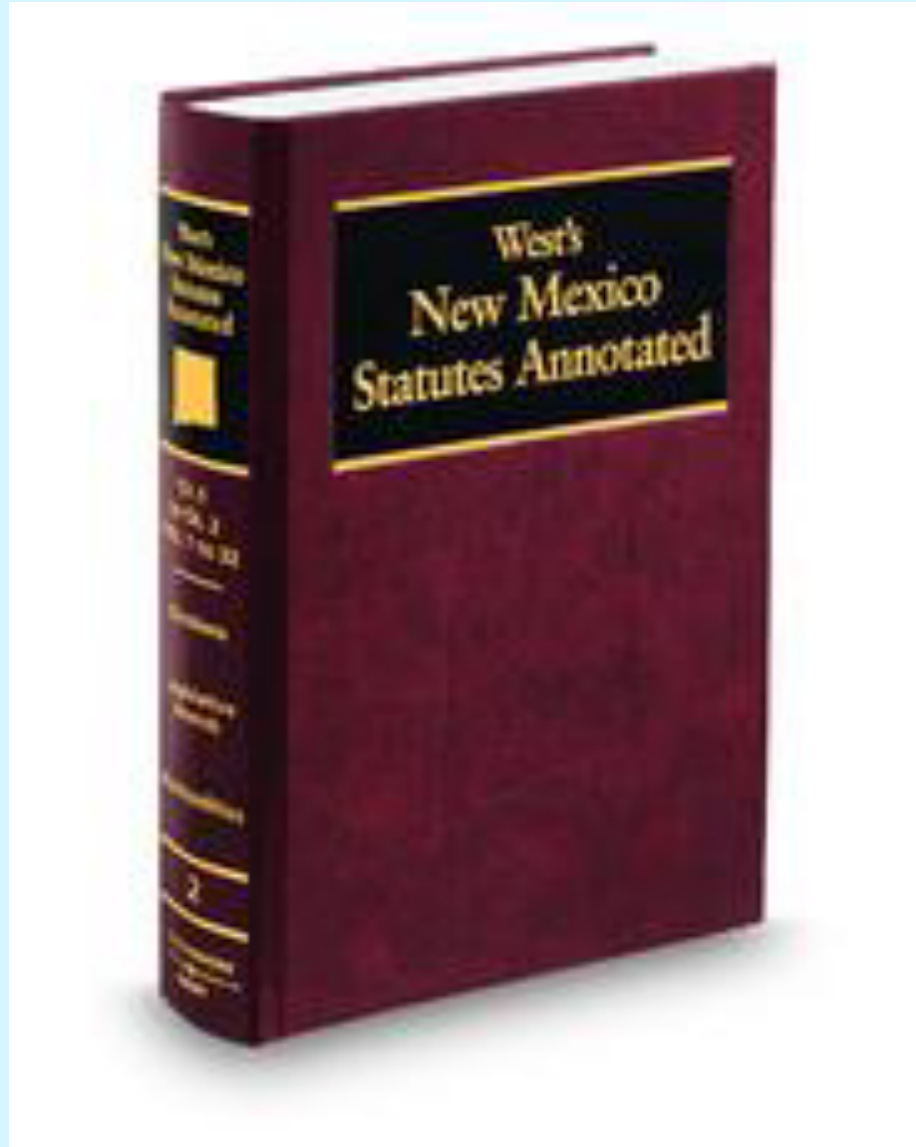
Government must protect environmental rights equitably.

No Environmental Sacrifice Zones



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Strengthens How Interpret Existing Law



Fills the Gaps

NO AMOUNT
PFOA OF
or PFOS
is safe!

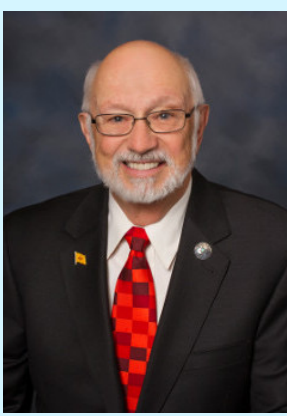
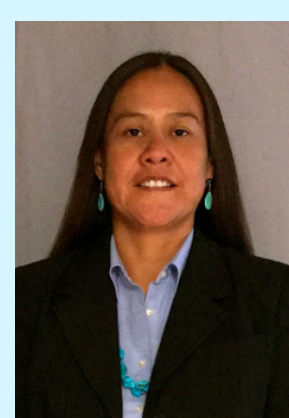


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Infringement Not Prohibited But Must be Constitutionally Justified

- Compelling state interest
- Effort to minimize the harm/infringement



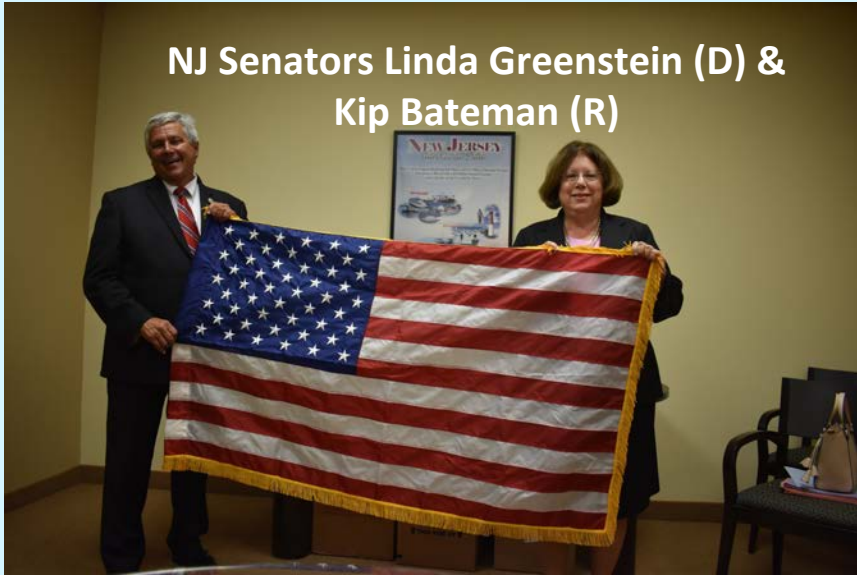


Legacy

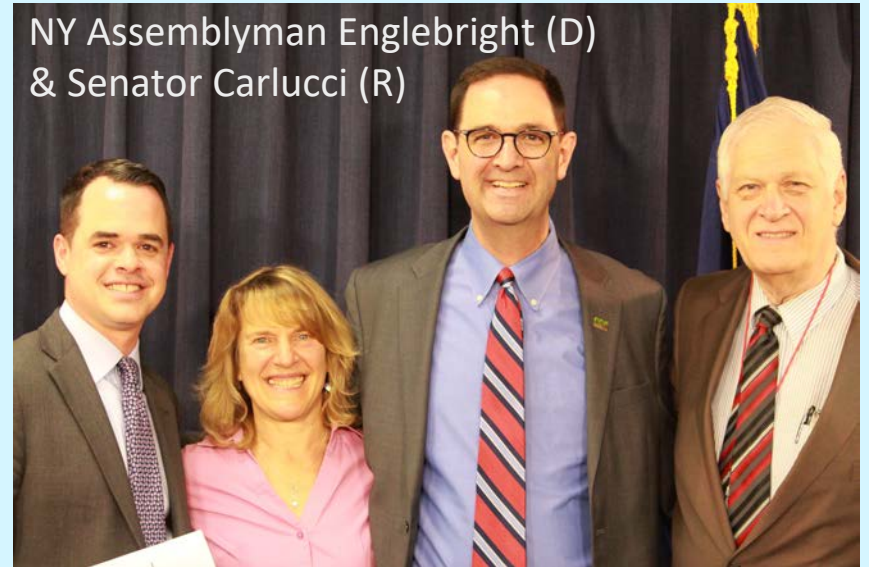


Opportunity for Bi-Partisan Support

NJ Senators Linda Greenstein (D) &
Kip Bateman (R)



NY Assemblyman Englebright (D)
& Senator Carlucci (R)



Maine Senator Chloe Maxmin (D)
& Senator Richard Bennett (R)



Solid & Growing Community Support



Southwest
Native
Cultures

INDIVISIBLE
NOB HILL
66



Great Old
Broads
For Wilderness
Get Into The Wild.



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Interfaith Power & Light
New Mexico



Western
Environmental
Law Center



New Mexico Solar Energy Association



MIDDLE RIO GRANDE
WATER ADVOCATES



RIO ARRIBA
CONCERNED CITIZENS



PEEC
Pajarito Environmental
Education Center




FRIENDS OF
VALLE DE ORO
NATIONAL WILDLIFE REFUGE



TEWA
WOMEN
UNITED



New Mexico
Environmental Law Center



Green Amendments Making a Difference

Prevent New Harm
Address Existing Harm
Fill The Gaps



✓ People

✓ Municipal Govt

✓ State Govt



Making a Difference

Check on unconstitutional
overreach

e.g.

Act 13 legislation that:

- *Stripped municipalities of zoning authority*
- *Automatic waivers of environmental protection stds*
- *Negated notification of potential drinking water contamination*
- *Mandated industrial operations a football field from homes*



Making a Difference

Check on problematic Permitting.

- Avoiding serious, demonstrated, harm
- Ensuring Informed Decisionmaking

e.g. industrial gold mining



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Making a Difference

Foundation for protective government action:

e.g. Protected state government from enforcing private contracts that could result in severe drinking water contamination from drinking water test well drilling



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Making a Difference



Securing action where needed & lacking

e.g. to clean up long-ignored hazardous site with spreading pollution plume



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Making a Difference



Foundation for protective government action

**Routinely Cited by PA AG
In Enforcement Actions**

Foundation for
protective
government
action:

*e.g. Foundation
for protective
legislation;
executive action;
regulations;
permitting*

In vetoing plastic bag bill, Wolf cites Environmental Rights Amendment

Jon Hurdle 

JUNE 30, 2017 | 5:26 PM



Gov. Tom Wolf, in this Dec., 2015 file photo, said a plastic bag bill would have violated the Environmental Rights Amendment to the Pennsylvania Constitution. File

Pennsylvania Gov. Tom Wolf on Friday vetoed a bill that would have curbed the right of towns and cities to regulate use of plastic shopping bags, saying it would have violated the Environmental Rights Amendment of the state Constitution.



**Intended to Guide – Not Harm –
Economic Development**

**RIVER JOBS
ARE
FOREVER**



**Protect Health, Safety & Lives
Protect Environment
Protect Future Generations
While
Make Money
Save Money
Protect Business
Protect Property Values**



Guide – Not Undermine – Economic Development

“Environmental Rights Amendment does not call for a stagnant landscape; nor ... for the derailment of economic or social development; nor for a sacrifice of other fundamental values.”

But it does *make clear that*

“... economic development cannot take place at the expense of an unreasonable degradation of the environment.”

Robinson Twp., Delaware Riverkeeper Network v. Commonwealth,
623 Pa. 564, 83 A.3d 901, 954 (2013).

Annual Economic Values of New Mexico's Healthy Environments

- » Fish, wildlife, habitats contribute **\$3.8 billion** to state's economy annually (hunting, fishing, outdoor recreation)
- » Outdoor recreation supports **47,000 jobs** (more than farming and forestry combined)
- » Tourism generates ~ **\$5.7 billion** each year & is one of the state's top industries, generating an estimated
- » **~8.6% (1 in 12) of all jobs** in NM are sustained by tourism.
- » Visitors generated **\$10.4 billion** in 2019 business sales
- » Tourism-sustained jobs generate **~ \$2.8 billion / year**
- » **Property values** increased by as much as **15%**

We All Need & Deserve



clean water



clean air



healthy climate

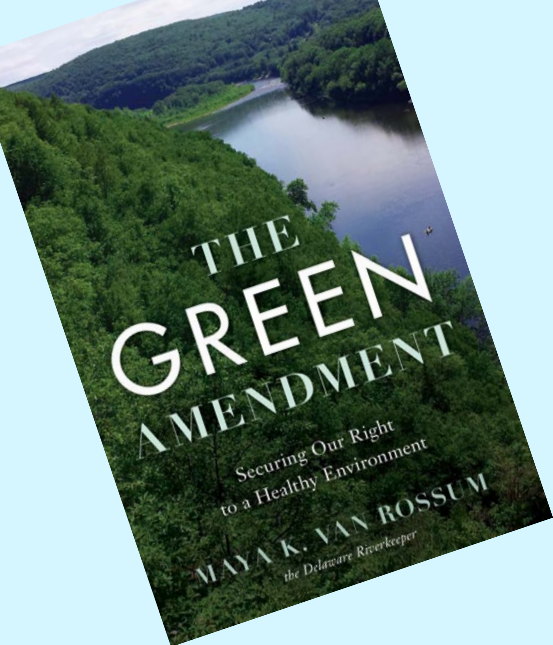


healthy environments



Learn More:

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Proposed New Mexico Green Amendment

Article II, Section 25 to the NM Constitution – Environmental Rights Amendment

A. The people of the state have the natural, inherent and inalienable right to a clean and healthy environment, including water, air, soil, flora, fauna, ecosystems and climate, and to the protection of the natural, cultural, scenic and healthful qualities of the environment.

B. The protection of the state's environment is hereby declared to be of fundamental importance to health, safety and the public interest.

C. The state, including its political subdivisions, shall serve as trustee of the natural resources of New Mexico and shall conserve, protect and maintain these resources for the benefit of all New Mexicans, including present and future generations.

D. The provisions of this section are self-executing.

SECTION 2. It is proposed to amend Article 20 of the constitution of New Mexico by repealing Section 21.

What a Green Amendment Helps Accomplish:

- Refocuses government on prevention vs permitting
- Strengthens interpretation and enforcement of existing law
- Fills gaps in the law
- Strengthens Environmental Justice
- Ensures environment included in the fair balancing of rights – e.g. property & environment must be protected
- Ensures informed decisionmaking – existing conditions, impacts, science
- Strengthens generational values & protections
- Provides foundation for good environmental actions & backstop when concerns
- Ensures compelling state interest & minimization of harm when infringement anticipated

