

SJR 28 -1 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 3/26

WHAT THE MEASURE DOES:

The measure proposes an amendment to the Oregon Constitution to establish a fundamental right to a clean, safe and healthy environment. It establishes that the state shall protect and restore this right equitably for all people. It allows any person to obtain equitable relief against state action or inaction allowing harm or the threat of harm to public safety and health interests in this right. It also establishes that this right is enforceable upon enactment. The proposed amendment is referred to the people for their approval or rejection at the next regular statewide general election.

Fiscal impact: The measure may have a fiscal impact, but a statement has not yet been issued.

Revenue impact: The measure may have a revenue impact, but a statement has not yet been issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment replaces Paragraph 1 of the measure. It proposes an amendment to the Oregon Constitution to establish a fundamental right to a clean, safe and healthy environment, and provides examples of what that right entails. It states that the right shall not be abridged, unless justified by a compelling state interest. It establishes that all of Oregon's public natural resources are the common property of all people, including generation yet to come, and establishes that the state shall conserve and maintain these resources against substantial impairment. It allows any person to obtain declaratory or equitable relief against the state for action or inaction allow allowing harm, or the threat of harm, to public safety and health, and it establishes what the prevailing parties are entitled to. It also establishes that this right is enforceable upon enactment.

Differences from the measure

- It states that a clean, safe, and healthy environment may include, but is not limited to, clean air and water, thriving ecosystems, and a stable climate system.
- It states that this right shall not be abridged.
- It establishes that all of Oregon's public natural resources are the common property of all people.
- It establishes that the state shall conserve and maintain these resources against substantial impairment.
- It allows any person to obtain declaratory relief against the state for action or inaction allow allowing harm, or the threat of harm, to public safety and health.

BACKGROUND:

Article I of the Oregon Constitution establishes the Bill of Rights. The Bill of Rights has 47 sections, establishing rights ranging from natural rights inherent to people, to freedom of worship and religious opinion, to a jury trial in civil cases, and to affordable health care.

A ballot referral is a resolution by a governing body to place a question on the ballot for its electors to decide. Referrals may be prepared by a state, county, city, or district governing body. At the state level, the referral process gives voters the opportunity to decide on constitutional or statutory changes proposed by the Legislative Assembly. Both houses of the legislature must vote to refer the measure, and the referral cannot be vetoed by the Governor. Any change to the Oregon Constitution passed by the Legislative Assembly requires a referral to voters.

The next statewide general election will be in November 2026.

PRELIMINARY