

# **Oregon SJR 5 (2021)**

(1) The people of this state have the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems and a stable climate, and to the preservation of the natural, cultural, scenic, recreational and healthful qualities of the environment. The state shall not infringe upon these rights, by action or inaction.

(2) The state, including each branch, agency and political subdivision, shall serve as trustee of all the natural resources of this state. The trust assets to be protected shall include this state's waters, air, wildlife, fisheries, atmosphere, climate, public lands and natural ecosystems. The state shall conserve, protect and maintain these natural resources for the benefit of all the people, including generations yet to come.

(3) The rights stated in this section are self-executing, inherent and inalienable, are among those rights reserved to the people and are in addition to, and may not be constrained by or limited to, those rights conferred by the state's public trust doctrine or wildlife trust doctrine.

# **Oregon SJR 28 (2025)**

(1) All people, including children and future generations, have the inherent fundamental right to a clean, safe, and healthy environment, including but not limited to clean air, clean water, thriving ecosystems, and a stable climate system. This right shall not be denied abridged unless justified by a compelling state interest achieved by the means least restrictive of the right.

(2) All of Oregon's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources with affirmative fiduciary obligations, the State shall conserve and maintain them against substantial impairment for the benefit of all people, giving highest priority to the safety and health of children.

(3) Any person may obtain declaratory or equitable relief against state action or inaction allowing harm or the threat of harm to public safety and or health to enforce the rights and duties guaranteed under this section. Prevailing parties securing protection of rights or enforcement of duties under this section shall be entitled to costs of litigation, including reasonable attorney and expert witness fees. The rights and duties guaranteed herein are self-executing and enforceable upon enactment, without implementing legislation or exhaustion of other remedies.

# **Oregon SJR 28 -1 (2025)**

- (1) All people, including children and future generations, have the inherent fundamental right to a clean, safe and healthy environment, including but not limited to clean air, clean water, thriving ecosystems and a stable climate system. This right shall not be abridged unless justified by a compelling state interest achieved by the means least restrictive of the right.
- (2) All of Oregon's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources with affirmative fiduciary obligations, the state shall conserve and maintain public natural resources against substantial impairment for the benefit of all people.
- (3) Any person may obtain declaratory or equitable relief to enforce the rights and duties guaranteed under this section against state action or inaction allowing harm, or the threat of harm, to public safety or health. Prevailing parties securing protection of rights or enforcement of duties under this section shall be entitled to costs of litigation, including reasonable attorney and expert witness fees. The rights and duties guaranteed under this section are self-executing and enforceable upon enactment, without implementing legislation or exhaustion of other remedies.

# What changed since the 2021 version in the Oregon Legislature?

1. “All people” have the right instead of “The people.” This indicates that the right applies to individuals and not just to “the people” collectively, acting through government.
2. Includes children and future generations in the right.
3. Adds provisions for citizen enforcement of the right and enforcement of the government's trustee duties (“Any person may obtain . . . relief”).
4. Establishes standard for allowing environmental harm only if the action or inaction is “justified by a compelling state interest achieved by the means least restrictive of the right.” The 2021 version had no standard.

## **What else changed since the 2021 version in the Oregon Legislature?**

1. Provides for attorney fees and expert witness fees but only for prevailing parties securing protection for public safety or health, not for polluters (even if they prevail).
2. Specifies there is no need for implementing legislation prior to enforcement of the rights.
3. Specifies there is no need for exhaustion of other remedies prior to enforcement of the rights.