

Submitter: Peter Sergienko  
On Behalf Of:  
Committee: Senate Committee On Rules  
Measure, Appointment or Topic: SJR28

As an attorney and member of the Sustainable Futures Section of the Oregon State Bar, I participated in a volunteer task force that met and worked periodically for two years to study what lawyers could do to address the climate crisis. We completed our research and submitted our written recommendations to section leadership about seven years ago. One of our conclusions and recommendations was for the Bar to consider drafting and supporting an amendment to the Oregon Constitution affirming the right to a healthy environment. We included suggested text for a constitutional amendment that would enshrine and protect the rights of all Oregonians to a clean, safe, and healthy environment, including children and future generations. We also recommended text providing clear legal and equitable remedies to persons whose rights had been violated, including a legal process to enforce those rights. The task force concluded that these rights and remedies were likely lacking under current law.

Over the last year or so, I have worked as a volunteer attorney with the OCERA legal team to draft the language in SJR 28. This language improves upon the draft in our task force report and responds specifically to the Oregon Supreme Court's decision in *Chernaik v. Oregon*. *Chernaik* narrowly interpreted the Public Trust Doctrine's scope, confirming the need for a comprehensive environmental rights amendment to the Oregon Constitution. Under the *Chernaik* decision, Oregonians lack meaningful legal and equitable remedies to enforce our inherent rights to a clean, safe, and healthy environment. Abstract rights with no remedies are effectively not rights.

Under OCERA's leadership and with broad support from voters across the state, from environmental, civic, and faith based groups, SJR 28 came into being. SJR 28 provides the legislature with the opportunity to refer a constitutional amendment to the voters to correct the gap in our rights to a clean, safe, and healthy environment. I urge you to pass SJR 28 and to let the voters affirm our rights.