

Senate Joint Resolution 28

Sponsored by Senator GOLDEN, Representatives ANDERSEN, GAMBA, Senators MANNING JR, PROZANSKI, Representative TRAN; Senators CAMPOS, FREDERICK, JAMA, MEEK, PHAM K, REYNOLDS, TAYLOR, Representatives CHAICHI, FRAGALA, HARTMAN, HELM, HUDSON, MARSH, NELSON, NOSSE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This JR proposes a change to the constitution to create a right to a clean, safe and healthy environment. (Flesch Readability Score: 62.8).

Proposes an amendment to the Oregon Constitution to establish a fundamental right to a clean, safe and healthy environment.

Refers the proposed amendment to the people for their approval or rejection at the next regular general election held throughout this state.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 48 to be added to and made a part of Article I, such section to read:

SECTION 48. (1) All people, including children and future generations, have the fundamental right to a clean, safe and healthy environment.

(2) The state shall protect and restore this right equitably for all people, giving the highest priority to the safety and health of children and future generations.

(3) Any person may obtain equitable relief against state action or inaction allowing harm or the threat of harm to public safety and health interests in this right. Courts shall consider sustainable measures toward clean water, clean air, thriving ecosystems and a more stable climate to be compelling state interests entitled to paramount consideration and weight. Prevailing parties securing protection for public safety or health interests in this right shall be entitled to costs of litigation, including attorney and expert witness fees.

(4) This right is enforceable upon enactment, without implementing legislation or exhaustion of other remedies. This right is remedial in purpose, adding to and strengthening existing rights and remedies to achieve a healthy environment for all.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.