



The Nebraska Green Amendment

Raising Up Environmental Rights in Nebraska

A Nebraska Green Amendment can help secure essential protections that will ensure the environmental rights of all the people of the state, including future generations, are equitably protected.

Currently, industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of Nebraska residents to pure and plentiful water, clean air, healthy soils and ecosystems, diverse and abundant flora and fauna, a safe climate, and healthy environments to be sacrificed for profits, politics or industry. Despite state environmental laws, regulations and agencies, Nebraska's environment has been degraded in ways that are harming every aspect of people's lives, with Indigenous communities, People of Color, and low-income communities being disproportionately harmed.

A Nebraska Green Amendment will help secure essential environmental protections for all the people of the state. As written, the Nebraska Green Amendment will:

- ✓ ...Place our rights to a clean and healthy environment legally on par with our other most treasured freedoms such as free speech, freedom of religion and the right to due process of law;

The Proposed Nebraska Green Amendment:

A new section 32 will be added to Article I of the Nebraska State Constitution that reads:

“All people have a right to a clean and healthy environment, including pure water, clean air, healthy soils, balanced ecosystems, a safe climate, and diverse and abundant native flora and fauna and to the preservation of the natural, cultural, scenic, recreational, and healthful qualities of the environment. The state, and each subdivision thereof, shall serve as trustee of the natural resources of Nebraska and shall conserve, protect, and maintain such resources for the benefit of all the people, including present and future generations. The rights and obligations in this section shall be self-executing.”

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- ✓ ... Ensure that all state and local government in Nebraska work to advance environmental protection at every level of the decision-making process when there is the greatest opportunity to identify and avoid environmental harm and to ensure equitable protection for all;
- ✓ ... Strengthen environmental justice by providing explicit constitutional grounding for ensuring equitable protection of environmental rights for all communities across the state and by creating a clear constitutional duty to protect the states natural resources equitably for all people and all communities; preventing disproportionate environmental impacts to Indigenous Communities, People of Color, and low-income communities;
- ✓ ... Ensure government decisions and action prioritize environmental justice, environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- ✓ ... Secure government action in Nebraska that will ensure healthy natural resources, a quality environment and a safe climate for children and future generations, not as an after-thought but as a constitutional mandate;
- ✓ ... Strengthen Nebraska's existing environmental laws by ensuring they are interpreted, applied and enforced in ways that honor and protect environmental rights and natural resource protection obligations;
- ✓ ... Fill the gaps in environmental laws and provide a legal basis for securing water, air and environmental protection even in those situations where there is no state law or regulation to provide protection whether the gap is by accident or design;
- ✓ ... Recognize the importance of preserving the human health, cultural, recreational, scenic and natural qualities of the environment, all of which are high priorities for Nebraska;
- ✓ ... Ensure consideration of cumulative impacts as part of decision-making so the additive impact of new pollution and environmental degradation is considered, accounted for and addressed;
- ✓ ... Empower communities to address unconstitutional infringement on environmental rights and/or to ensure compliance with natural resource protection obligations, by providing constitutional grounding for advocacy and access to courts for redress;
- ✓ ... Strengthen healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, drought & declining property values by ensuring government actions avoid environmental degradation rather than responding to it after-the-fact.

What's the process for securing passage of the Green Amendment? In order to obtain this highest level of protection for environmental rights and natural resources in Nebraska, a proposed amendment must be passed by three-fifths of the members elected to the state legislature, and then voted upon by a majority of the voters of the state. The amendment could also be secured through a citizen initiative process; or as the result of a constitutional convention.

If Nebraska passes the proposed Green Amendment it will be the 4th state in the nation to give highest constitutional recognition and protection to the inalienable, human right of all Nebraskans to a clean, safe and healthy environment.

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