

# HOUSE JOINT RESOLUTION W

April 25, 2006, Introduced by Reps. Byrnes, Donigan, Accavitti, Gleason, Condino, Espinoza, Bieda, McDowell, Kathleen Law, Hopgood, Tobocman, Lipsey, Vagnozzi, Zelenko, Byrum, Cushingberry, Lemmons, Jr., Miller, Spade, Polidori, Gonzales, Angerer, Alma Smith, Kolb, Anderson, Waters, Sak and Meisner and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 55 to article IV, to prohibit the diversion of the waters of the state out of the Great Lakes basin unless specifically authorized by the legislature.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to prohibit the diversion of the waters of the state out of the Great Lakes basin unless specifically authorized by the legislature, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE IV

1        SEC. 55. THE WATERS OF THE STATE ARE HELD BY THE STATE IN THE  
2        PUBLIC TRUST FOR THE USE AND ENJOYMENT OF THE PUBLIC AS PROVIDED BY  
3        THE LEGISLATURE.

4        UNLESS AUTHORIZED BY THE LEGISLATURE, THE DIVERSION OF THE  
5        WATERS OF THE STATE OUTSIDE OF THE GREAT LAKES BASIN, OR A SALE OR  
6        OTHER TRANSACTION RESULTING IN A DIVERSION OF THE WATERS OF THE  
7        STATE OUTSIDE OF THE GREAT LAKES BASIN, IS PROHIBITED.

8        WHEN CONSIDERING WHETHER TO GRANT LEGISLATIVE AUTHORIZATION  
9        FOR A PROPOSED DIVERSION OF THE WATERS OF THE STATE OUTSIDE OF THE  
10       GREAT LAKES BASIN, THE LEGISLATURE SHALL CONSIDER SECTION 52 OF  
11       THIS ARTICLE AND WHETHER THE PROJECT WILL SERVE A PUBLIC PURPOSE,  
12       WHETHER THE PROJECT WILL RESULT IN NO MATERIAL HARM TO THE WATERS  
13       OF THE STATE, THE PUBLIC TRUST, OR RELATED PURPOSES, AND WHETHER  
14       THE PROJECT WILL RESULT IN ANY IMPROVEMENT TO THE WATERS OF THE  
15       STATE OR THE WATER DEPENDENT NATURAL RESOURCES OF THE STATE.

16       AS USED IN THIS SECTION:

17       (A) "CONSUMPTIVE USE" MEANS THAT PORTION OF WATER WITHDRAWN OR  
18       WITHHELD FROM THE GREAT LAKES BASIN AND ASSUMED TO BE LOST OR  
19       OTHERWISE NOT RETURNED TO THE GREAT LAKES BASIN DUE TO EVAPORATION,  
20       INCORPORATION INTO PRODUCTS OR AGRICULTURAL PRODUCTS, USE AS PART  
21       OF PACKAGING OF PRODUCTS OR AGRICULTURAL PRODUCTS, OR OTHER  
22       PROCESSES. CONSUMPTIVE USE DOES NOT INCLUDE THE PACKAGING OF WATER  
23       IN BOTTLES OR CONTAINERS.

24       (B) "DIVERSION" MEANS A TRANSFER OF WATER BY PIPELINE, CANAL,  
25       TUNNEL, AQUEDUCT, CHANNEL, MODIFICATION OF THE DIRECTION OF A  
26       WATERCOURSE, TANKER SHIP, TANKER TRUCK, RAIL TANKER, OR SIMILAR  
27       MEANS FROM THE GREAT LAKES BASIN INTO A WATERSHED OUTSIDE OF THE

1 GREAT LAKES BASIN, INCLUDING THE TRANSFER OF WATER IN BOTTLES OR  
2 CONTAINERS. HOWEVER, DIVERSION DOES NOT INCLUDE ANY OF THE  
3 FOLLOWING:

4 (i) A CONSUMPTIVE USE.

5 (ii) THE SUPPLY OF VEHICLES, INCLUDING VESSELS AND AIRCRAFT,  
6 WHETHER FOR THE NEEDS OF PERSONS OR ANIMALS BEING TRANSPORTED OR  
7 FOR BALLAST OR OTHER NEEDS RELATED TO THE OPERATION OF VEHICLES.

8 (iii) THE USE OF WATER IN A NONCOMMERCIAL PROJECT ON A SHORT-  
9 TERM BASIS FOR FIREFIGHTING, HUMANITARIAN, OR EMERGENCY RESPONSE  
10 PURPOSES.

11 (iv) WATER TRANSPORTED FROM THE GREAT LAKES BASIN BY A PERSON  
12 FOR HIS OR HER PERSONAL, NONCOMMERCIAL USE.

13 Resolved further, That the foregoing amendment shall be  
14 submitted to the people of the state at the next general election  
15 in the manner provided by law.