

SENATE JOINT RESOLUTION BB

July 28, 2010, Introduced by Senators ANDERSON, WHITMER, BASHAM, BARCIA, CHERRY, OLSHOVE, HUNTER, CLARK-COLEMAN, THOMAS, CLARKE and SCOTT and referred to the Committee on Judiciary.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 52 of article IV, to allow any person to maintain an action in circuit court to protect the natural resources of the state and the public trust in those resources.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to allow any person to maintain an action in circuit court to protect the natural resources of the state and the public trust in those resources, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

ANY PERSON MAY BRING OR MAINTAIN A CIVIL ACTION IN A COURT OF THIS STATE TO PROTECT THE AIR, WATER, AND OTHER NATURAL RESOURCES OF THE STATE AND THE PUBLIC TRUST IN THOSE RESOURCES FROM POLLUTION, IMPAIRMENT, OR DESTRUCTION OR LIKELY POLLUTION, IMPAIRMENT, OR DESTRUCTION. THE LEGISLATURE SHALL NOT LIMIT THE DAMAGES THAT ARE RECOVERABLE IN AN ACTION FOR NATURAL RESOURCES DAMAGES FOR THE POLLUTION, IMPAIRMENT, OR DESTRUCTION OF THE AIR, WATER, AND OTHER NATURAL RESOURCES OF THE STATE AND THE PUBLIC TRUST IN THOSE RESOURCES OR IN AN ACTION FOR ECONOMIC DAMAGES RELATED TO THE POLLUTION, IMPAIRMENT, OR DESTRUCTION OF THE AIR, WATER, OR OTHER NATURAL RESOURCES OF THE STATE OR THE PUBLIC TRUST IN THOSE RESOURCES.

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