

HOUSE BILL No. 5319

September 9, 2009, Introduced by Reps. Scripps, Roberts, Valentine, Geiss, Warren, Smith and Bledsoe and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5
6
7
8
9

PART 4. PUBLIC TRUST RESOURCES

SEC. 401. (1) THE CONSERVATION AND DEVELOPMENT OF THE NATURAL RESOURCES OF THE STATE ARE OF PARAMOUNT PUBLIC CONCERN IN THE INTEREST OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PEOPLE, AND THE AIR, WATER, AND OTHER NATURAL RESOURCES OF THE STATE SHALL BE PROTECTED FROM POLLUTION, IMPAIRMENT, AND DESTRUCTION.

(2) THE WATERS OF THE STATE, INCLUDING GROUNDWATER, ARE HELD IN TRUST BY THE STATE. THE STATE SHALL PROTECT THESE WATERS AND OTHER NATURAL RESOURCES THAT ARE SUBJECT TO THE PUBLIC TRUST FOR

1 THE BENEFIT OF PRESENT AND FUTURE GENERATIONS.

2 (3) THE ATTORNEY GENERAL, ON BEHALF OF THE STATE, OR ANY OTHER
3 PERSON MAY MAINTAIN AN ACTION IN THE CIRCUIT COURT HAVING
4 JURISDICTION TO ENFORCE THE PUBLIC TRUST IN THE STATE'S NATURAL
5 RESOURCES, EITHER ALONE OR IN CONJUNCTION WITH OTHER PROVISIONS OF
6 THIS ACT OR OTHER LEGAL REMEDIES THAT ARE APPROPRIATE. THE CIRCUIT
7 COURT MAY APPORTION COSTS, INCLUDING ATTORNEY FEES, IF THE
8 INTERESTS OF JUSTICE REQUIRE.