**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3416**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Neal, Norrell, Clary, Cobb‑Hunter, Govan, Funderburk, Dillard, Robinson‑Simpson, Kirby, Alexander, Weeks, Douglas, Ott, King, Hayes, Atkinson, Parks, Williams, Jefferson, Ridgeway, Henegan, J.E. Smith, Hart, Ballentine, McKnight, Loftis, Howard, Hosey, Brown and Gilliard

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Introduced in the House on January 11, 2017

Currently residing in the House Committee on **Judiciary**

Summary: Environmental Bill of Rights

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2017 House Introduced and read first time ([House Journal‑page 36](file:///h:\hj\20170111.docx))

1/11/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 36](file:///h:\hj\20170111.docx))

4/18/2017 House Member(s) request name added as sponsor: Norrell, Clary, Cobb‑Hunter, Govan, Funderburk, Dillard, Robinson‑Simpson, Kirby, Alexander, Weeks, Douglas, Ott, King, Hayes, Atkinson, Parks, Williams, Jefferson, Ridgeway, Henegan, J.E.Smith, Hart, Ballentine, McKnight, Loftis, Howard, Hosey, Brown, Gilliard

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**VERSIONS OF THIS BILL**

[1/11/2017](file:///p:\pprever\2017-18\3416_20170111.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 26 TO ARTICLE I SO AS TO ENACT THE ENVIRONMENTAL BILL OF RIGHTS, TO GRANT STANDING TO THE PEOPLE OF THIS STATE TO ENFORCE THEIR RIGHT TO CONSERVE AND PROTECT THE ENVIRONMENT, AND TO GRANT LOCAL GOVERNMENTS THE POWER TO ENACT LAWS, REGULATIONS, ORDINANCES, AND CHARTER PROVISIONS THAT ARE MORE RESTRICTIVE AND PROTECTIVE OF THE ENVIRONMENT THAN LAWS ADOPTED BY THE STATE GOVERNMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Article I of the Constitution of this State be amended by adding the following new section:

“Section 26. (A) The people of the State of South Carolina find and declare that South Carolina’s environment is the common property of all South Carolinians. The conservation of South Carolina’s environment, including its clean air, pure water, and natural and scenic values, is fundamental and it should be protected and preserved for all South Carolinians, including generations yet to come.

(B) The people of the State of South Carolina have a right to South Carolina’s environment. The people of this State have the authority and legal standing to enforce this right. As trustees of this resource, the State and local governments shall conserve South Carolina’s environment, including its clean air, pure water, and natural and scenic values for the benefit of all people. This section applies to the State of South Carolina and to every city, town, and county in the State.

(C) All provisions of this section are self‑executing and severable. To facilitate the conservation of South Carolina’s environment, local governments have the power to enact laws, regulations, ordinances, and charter provisions that are more restrictive and protective of the environment than laws or regulations enacted or adopted by the state government. If any local law or regulation enacted or adopted pursuant to this article conflicts with a state law or regulation, the more restrictive and protective law or regulation governs.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed on the ballot:

“South Carolina’s environment is an asset to all current and future South Carolinians. Do you favor expanding the power of local governments to protect the environment and granting legal standing to the citizens of this State to enforce the conservation of the environment?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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