

Act No. 318
Public Acts of 1996
Approved by the Governor
June 24, 1996
Filed with the Secretary of State
June 25, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Jaye, Gnodtke, Middaugh, Alley, Rhead, Llewellyn, Goschka, Green, Horton, Crissman, Voorhees, Walberg, LeTarte, Kukuk, Hill, Bodem, London, Brackenridge, Dobb, Bobier, Law, McBryde, Yokich, Hammerstrom, Griffin, Prusi, Cherry, Vaughn, Gilmer, DeLange, Dalman, Cropsey, Bryant, Lowe, Gustafson, Whyman, Rocca, Weeks, Kaza, Olshove, Harder, Gagliardi, Galloway, Baade, Porreca, Jamian, Wetters, Middleton, Bullard, Ryan, Jersevic, DeMars, Tesanovich, Agee, DeHart, Geiger, Scott, Perricone, Sikkema and Gernaat
Reps. Anthony, Bush, Curtis, Fitzgerald, Gire, Hanley, Jellema, LaForge, McNutt, Palamara, Parks, Profit, Randall, Varga and Willard named co-sponsors

ENROLLED HOUSE BILL No. 5775

AN ACT to amend Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, by adding section 48702b.

The People of the State of Michigan enact:

Section 1. Act No. 451 of the Public Acts of 1994, as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, is amended by adding section 48702b to read as follows:

Sec. 48702b. (1) Upon petition of an aggrieved person or a person who reasonably may be aggrieved by a violation of section 48702a, a court of competent jurisdiction, upon a showing that a person was engaged in and threatens to continue to engage in illegal conduct under section 48702a, may enjoin that conduct.

(2) A person who violates section 48702a is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$500.00 or more than \$1,000.00, or both, and the costs of prosecution. A person who violates section 48702a a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than \$1,000.00 or more than \$2,500.00, or both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the person to take aquatic species shall be revoked. A prosecution under this subsection does not preclude prosecution or other action under any other criminal or civil statute.

(3) Section 48702a does not apply to a peace officer while the peace officer performs his or her lawful duties.

Section 2. This amendatory act shall take effect July 1, 1996.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 963 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.