



# SENATE BILL No. 52

January 17, 1995, Introduced by Senator DINGELL and referred to the Committee on Judiciary.

A bill to provide for actions on behalf of the people of the state for damages caused by unlawful burning; and to provide for remedies and sanctions.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. (1) Any person may maintain an action under this  
2 act on behalf of the people of the state against any person,  
3 partnership, corporation, association, or other legal entity for  
4 damages caused by the defendant's actions in burning any property  
5 or material unlawfully.

6       (2) Ownership of the property or material burned unlawfully  
7 is not a defense to an action under this act.

8       (3) As used in this act, "unlawfully" means contrary to an  
9 applicable statute, rule, ordinance, or permit.

1       Sec. 2. An action under this act shall be brought in the  
2 circuit court having jurisdiction where the alleged unlawful  
3 burning occurred.

4       Sec. 3. (1) If the court determines that a defendant burned  
5 any property or material unlawfully, the court shall enter a  
6 judgment against the defendant providing for all of the  
7 following:

8       (a) An award of damages in favor of the people of the state,  
9 as determined from the evidence presented.

10       (b) An award to the person maintaining the action of his or  
11 her attorney fees and costs expended in maintaining the action.

12       (c) Imposition of a civil fine on the defendant of not less  
13 than \$100.00 or not more than \$1,000.00.

14       (2) In satisfaction of a judgment awarded under subsection  
15 (1), priority is given to the award of attorney fees and costs  
16 under subsection (1)(b).

17       Sec. 4. This act is supplementary to existing civil reme-  
18 dies, administrative and regulatory procedures provided by law,  
19 and to the Thomas J. Anderson, Gordon Rockwell environmental pro-  
20 tection act of 1970, Act No. 127 of the Public Acts of 1970,  
21 being sections 691.1201 to 691.1207 of the Michigan Compiled  
22 Laws. An action under this act may be joined with an action  
23 under Act No. 127 of the Public Acts of 1970.