

HOUSE BILL No. 4755

May 10, 2001, Introduced by Rep. Gosselin and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 9121 (MCL 324.9121), as amended by 2000 PA
504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9121. (1) A person who violates this part is responsi-
2 ble for either of the following:

3 (a) If the action is brought by a county enforcing agency or
4 a municipal enforcing agency of a local unit of government that
5 has enacted an ordinance under this part that provides a penalty
6 for violations, the person is responsible for a municipal civil
7 infraction and may be ordered to pay a civil fine of not more
8 than \$2,500.00.

9 (b) If the action is brought by the state or a county
10 enforcing agency of a county that has not enacted an ordinance

1 under this part, the person is responsible for a state civil
2 infraction and may be ordered to pay a civil fine of not more
3 than \$2,500.00.

4 (2) A person who knowingly violates this part or knowingly
5 makes a false statement in an application for a permit or in a
6 soil erosion and sedimentation control plan is responsible for
7 the payment of a civil fine of not more than \$10,000.00 for each
8 day of violation. HOWEVER, IF THE PARCEL OF LAND THAT IS THE
9 SUBJECT OF THE VIOLATION OR FALSE STATEMENT IS NOT MORE THAN 10
10 ACRES IN SIZE, OR FOR LARGER PARCELS, IF THE EARTH CHANGES
11 OCCURRED ON NOT MORE THAN 10 ACRES, THE MAXIMUM FINE UNDER THIS
12 SUBSECTION SHALL NOT EXCEED \$25,000.00

13 (3) A person who knowingly violates this part after receiv-
14 ing a notice of determination under section 9112 or 9117 is
15 responsible for the payment of a civil fine of not less than
16 \$2,500.00 or more than \$25,000.00 for each day of violation.
17 HOWEVER, IF THE PARCEL OF LAND THAT IS THE SUBJECT OF THE VIOLA-
18 TION IS NOT MORE THAN 10 ACRES IN SIZE, OR FOR LARGER PARCELS, IF
19 THE EARTH CHANGES OCCURRED ON NOT MORE THAN 10 ACRES, THE MAXIMUM
20 FINE UNDER THIS SUBSECTION SHALL NOT EXCEED \$250,000.00.

21 (4) Civil fines collected under subsections (2) and (3)
22 shall be deposited as follows:

23 (a) If the state filed the action under this section, in the
24 general fund of the state.

25 (b) If a county enforcing agency or municipal enforcing
26 agency filed the action under this section, with the county or
27 municipality that filed the action.

1 (c) If an action was filed jointly by the state and a county
2 enforcing agency or municipal enforcing agency, the civil fines
3 collected under this subsection shall be divided in proportion to
4 each agency's involvement as mutually agreed upon by the
5 agencies. All fines going to the department shall be deposited
6 into the general fund of the state.

7 (5) A default in the payment of a civil fine or costs
8 ordered under this section or an installment of the fine or costs
9 may be remedied by any means authorized under the revised judica-
10 ture act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.

11 (6) In addition to a fine assessed under this section, a
12 person who violates this part is liable to the state for damages
13 for injury to, destruction of, or loss of natural resources
14 resulting from the violation. The court may order a person who
15 violates this part to restore the area or areas affected by the
16 violation to their condition as existing immediately prior to the
17 violation.

18 (7) This section applies to an authorized public agency, in
19 addition to other persons. This section does not apply to a
20 county enforcing agency or a municipal enforcing agency with
21 respect to its administration and enforcement of this part and
22 rules promulgated under this part.