

Legislative Analysis



NREPA: PART 327 ENFORCEMENT AND PENALTIES

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Senate Bill 859 (Substitute S-3)

Sponsor: Sen. Bruce Patterson

House Committee: Great Lakes and the Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 6-18-08

A SUMMARY OF SENATE BILL 859 AS PASSED BY THE SENATE 5-14-08

The bill would amend the section of the Natural Resources and Environmental Protection Act dealing with enforcement of Part 327. It would retain the current provision allowing only the Attorney General to bring civil enforcement actions, at the request of the Department of Environmental Quality. Falsifying a record submitted under Part 327 would be specifically included as grounds for a civil enforcement action.

Fines. The bill would increase the maximum civil fine a court could impose on a person who commits a knowing violation of Sections 32721 or 32723 (or a permit issued under Section 32723) from \$5,000 to \$10,000. The fine for other violations would remain at the current level of \$1,000.

In its current form, the bill appears identical to House Bill 5067 (Rep. Terry Brown), as passed by the House on May 14, 2008, except that it is tie-barred to Senate bills rather than House bills.

Tie-bars. The bill is tie-barred to the following bills:

Senate Bill 212 (Compact ratification and effect on Michigan law)

Senate Bill 723 (Water Resources Advisory Council)

Senate Bill 727 (Water withdrawals by bottled water producers)

Senate Bill 858 (Waterworks systems)

Senate Bill 860 (Regulation of water withdrawals, adverse resource impact standard)

MCL 324.32713

FISCAL IMPACT:

A fiscal analysis is in process.

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Fiscal Analyst: Kirk Lindquist

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