

HOUSE BILL No. 5067

July 25, 2007, Introduced by Reps. Brown, Sak, Vagnozzi, LeBlanc, Alma Smith, Byrnes, Wojno, Accavitti, Kathleen Law, Bieda, Polidori, Constan, Robert Jones, Clack, Bauer, Young, Simpson, Donigan, Valentine, Warren, Meadows, McDowell, Miller, Melton, Hammel, Espinoza, Lemmons, Meisner, Sheltroun, Hammon, Tobocman, Corriveau, Farrah, Cushingberry, Jackson, Johnson, Coulouris, Brandenburg and Dean and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32710 and 32713 (MCL 324.32710 and 324.32713),
section 32710 as added by 1995 PA 59 and section 32713 as amended
by 2006 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32710. The department shall do all of the following:

2 (a) Cooperate with the states and provinces in the Great Lakes
3 region to develop and maintain a common base of information on the
4 use and management of the water of the Great Lakes basin and to
5 establish systematic arrangements for the exchange of this

1 information.

2 (b) Collect and maintain information regarding the locations,
3 types, and quantities of water use, including water withdrawals and
4 consumptive uses, in a form that the department determines is
5 comparable to the form used by other states and provinces in the
6 Great Lakes region.

7 (c) Collect, maintain, and exchange information on current and
8 projected future water needs with the other states and provinces in
9 the Great Lakes region.

10 (d) Cooperate with other states and provinces in the Great
11 Lakes region in developing a long-range plan for developing,
12 conserving, and managing the water of the Great Lakes basin.

13 (e) Participate in the development of a regional consultation
14 procedure for use in exchanging information on the effects of
15 proposed water withdrawals and consumptive uses from the Great
16 Lakes basin.

17 (f) Develop procedures for notifying water users and potential
18 water users of the requirements of this part.

19 **(G) ASSURE THAT ITS DECISIONS IN IMPLEMENTING AND APPLYING**
20 **THIS PART WILL NOT IMPAIR THE WATERS OF THE STATE OR OTHER NATURAL**
21 **RESOURCES OF THE STATE OR THE PUBLIC TRUST IN THOSE NATURAL**
22 **RESOURCES.**

23 **Sec. 32713. (1) A PROSECUTING ATTORNEY FOR ANY COUNTY OF THE**
24 **STATE OR ANY PERSON AFFECTED OR THREATENED WITH EFFECTS CAUSED BY A**
25 **LARGE QUANTITY WITHDRAWAL MAY FILE AN ACTION IN CIRCUIT COURT,**
26 **INCLUDING AN ACTION FOR A PERMANENT OR TEMPORARY INJUNCTION,**
27 **ALLEGING A VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS**

1 PART HAS OCCURRED OR IS LIKELY TO OCCUR DUE TO THE LARGE QUANTITY
2 WITHDRAWAL.

3 (2) The department may request the attorney general to
4 commence a civil action for appropriate relief, including a
5 permanent or temporary injunction, for a violation of this part or
6 a rule promulgated under this part. An action under this section
7 shall be brought in the circuit court for the county of Ingham or
8 for the county in which the defendant is located, resides, or is
9 doing business. The court has jurisdiction to restrain the
10 violation and to require compliance. In addition to any other
11 relief granted, the court may impose a civil fine of not more than
12 ~~\$1,000.00~~ \$10,000.00. However, a person who knowingly violates
13 section 32721 or 32723 or the terms of a permit issued under
14 section 32723 is responsible for the payment of a civil fine of not
15 more than \$5,000.00 per day of violation. In addition to a fine,
16 the attorney general may file a suit in a court of competent
17 jurisdiction to recover the full value of the costs of surveillance
18 and enforcement by the state resulting from the violation.

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 94th Legislature are
21 enacted into law:

22 (a) Senate Bill No. ____ or House Bill No. 5073(request no.
23 00453'07 *).

24 (b) Senate Bill No. ____ or House Bill No. 5065(request no.
25 02361'07).

26 (c) Senate Bill No. ____ or House Bill No. 5066(request no.
27 02362'07).

1 (d) Senate Bill No.____ or House Bill No. 5068(request no.
2 02364'07).

3 (e) Senate Bill No.____ or House Bill No. 5069(request no.
4 02365'07).

5 (f) Senate Bill No.____ or House Bill No. 5070(request no.
6 02366'07).

7 (g) Senate Bill No.____ or House Bill No. 5071(request no.
8 02367'07).

9 (h) Senate Bill No.____ or House Bill No. 5072(request no.
10 02368'07).