

SENATE BILL No. 859

October 29, 2007, Introduced by Senators PATTERSON, BIRKHOLZ, VAN WOERKOM, SANBORN, RICHARDVILLE, GEORGE, PAPPAGEORGE, JANSEN, ALLEN, KAHN, CROPSEY, HARDIMAN, GARCIA, JELINEK, GILBERT and BISHOP and referred to the Committee on Natural Resources and Environmental Affairs.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32713. (1) The department may request the attorney
2 general to commence a civil action for appropriate relief,
3 including a permanent or temporary injunction, for a violation of
4 this part or a rule promulgated under this part. An action under
5 this section shall be brought in the circuit court for the county
6 of Ingham or for the county in which the defendant is located,
7 resides, or is doing business. The court has jurisdiction to
8 restrain the violation and to require compliance.

(2) In addition to any other relief granted **UNDER SUBSECTION (1)**, the court may impose a civil fine ~~of not more than \$1,000.00.~~ However, **AS FOLLOWS:**

(A) **FOR** a person who knowingly violates section 32721 or 32723 or the terms of a permit issued under section 32723, ~~is responsible for the payment of a~~ civil fine of not more than ~~\$5,000.00~~ **\$10,000.00** per day of violation.

(B) **FOR A PERSON WHO KNOWINGLY CONDUCTS A WITHDRAWAL IN VIOLATION OF THIS PART, A CIVIL FINE OF NOT MORE THAN \$5,000.00.**

(C) **FOR ALL OTHER VIOLATIONS OF THIS PART, A CIVIL FINE OF NOT MORE THAN \$1,000.00.**

(3) In addition to a fine **IMPOSED UNDER SUBSECTION (2)**, the attorney general may file a suit in a court of competent jurisdiction to recover the full value of the costs of surveillance and enforcement by the state resulting from the violation.

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

(a) Senate Bill No. 212.

(b) Senate Bill No.____ or House Bill No.____ (request no. 01274'07 a *).

(c) Senate Bill No. 860.