

# HOUSE BILL NO. 5002

June 15, 2021, Introduced by Rep. O'Neal and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 31525 (MCL 324.31525), as added by 1995 PA 59,  
and by adding section 31521a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 31521a. (1) The dam safety emergency response fund is  
2       created within the state treasury. The state treasurer may receive  
3       money or other assets from any source for deposit into the fund.  
4       The state treasurer shall direct the investment of the fund and

1 credit to the fund interest and earnings from fund investments.  
 2 Money in the fund at the close of the fiscal year remains in the  
 3 fund and does not lapse to the general fund.

4 (2) For the fiscal year ending September 30, 2022,  
 5 \$15,000,000.00 from the state general fund must be deposited into  
 6 the fund and is appropriated for activities necessary to address an  
 7 imminent threat or significant risk associated with dams,  
 8 including, but not limited to, investigations or evaluations under  
 9 section 31518 and emergency actions under section 31521.

10 (3) As used in this subsection, "fund" means the dam safety  
 11 emergency response fund created under subsection (1).

12 Sec. 31525. (1) The attorney general may commence a civil  
 13 action for appropriate relief, including injunctive relief, ~~upon~~ ~~on~~  
 14 request of the department under section 31524.

15 (2) Any civil action under this section may be brought in the  
 16 circuit court for ~~the county of~~ Ingham **County** or ~~for~~ the county in  
 17 which the dam is located.

18 (3) In addition to any other relief granted under this  
 19 section, the court may impose a civil fine of not more than  
 20 \$10,000.00 for each day of violation of this part, a rule  
 21 promulgated under this part, or a permit issued under this part.

22 (4) A person found guilty of contempt of court for the  
 23 violation of an order of the court ~~shall be~~ **is** subject to a civil  
 24 fine not to exceed \$10,000.00 for each day of violation.

25 (5) A person ~~who~~ **that** willfully or recklessly violates this  
 26 part, a rule promulgated under this part, an order issued by the  
 27 department, or a condition in a permit issued under this part,  
 28 ~~which~~ **and the** violation places or may place a person in imminent  
 29 danger of death or serious bodily injury or may cause serious

1 property damage or serious damage to natural resources, or a person  
2 ~~who-that~~ has knowledge of or is responsible for ~~such~~ a violation,  
3 is guilty of a misdemeanor ~~—~~ punishable by imprisonment for not  
4 more than 1 year or a fine of not less than \$2,500.00 or more than  
5 \$25,000.00 for each day of violation, or both. A person ~~who-that~~  
6 violates this section a second or subsequent time is guilty of a  
7 felony ~~—~~ punishable by imprisonment for not more than 2 years or a  
8 fine of not less than \$10,000.00 for each day of violation, or  
9 both.

10 (6) A person required to obtain a permit for activity  
11 regulated under this part ~~who-that~~ does not obtain that permit  
12 shall be fined not less than twice the fee charged for the  
13 appropriate permit application.

14 (7) In addition to the orders of compliance and penalties  
15 provided under this part, the court may order a person ~~who-that~~  
16 violates this part, a rule promulgated under this part, or a permit  
17 issued under this part to restore the site affected by the  
18 violation as nearly as practicable to its original condition.  
19 Restoration may include, but is not limited to, removing fill  
20 material deposited or replacing soil, sand, or minerals.

21 (8) The department may establish, by rule, a schedule of  
22 administrative monetary penalties for minor violations of this  
23 part, a rule promulgated under this part, a permit issued ~~pursuant~~  
24 ~~to-under~~ this part, or an order issued by the department ~~pursuant~~  
25 ~~to-under~~ this part.

26 (9) **A civil or administrative fine collected under this**  
27 **section must be deposited in the dam safety emergency response fund**  
28 **created in section 31521a.**