

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4729

(As amended, July 1, 2004)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 3313.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3313. (1) A person who commits a violation of this
2 part that does not result in harm to or pose a substantial threat
3 to natural resources, the environment, or human health is guilty
4 of a misdemeanor punishable by a fine of not more than \$500.00
5 for each violation. A law enforcement officer may issue and
6 serve an appearance ticket upon a person for <<that violation>>
7 pursuant to sections 9a to 9g of chapter IV of the code of
8 criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.
9 (2) A person who commits a violation of this part that
10 results in harm to or poses a substantial threat to natural
11 resources, the environment, or human health, or a corporate

1 officer who had advance knowledge of such a violation of this
2 part but failed to prevent the violation, is guilty of a
3 misdemeanor and may be imprisoned for not more than 6 months and
4 shall be fined not less than \$1,000.00 or more than \$2,500.00.

5 (3) A person who commits a violation described in subsection
6 (2) after a first conviction for such a violation is guilty of a
7 misdemeanor and may be imprisoned for not more than 1 year and
8 shall be fined not less than \$2,500.00 or more than \$5,000.00.

9 (4) A person who commits a violation of this part that
10 results in serious harm to or poses an imminent and substantial
11 threat to natural resources, the environment, or human health and
12 who knew or should have known that the violation could have such
13 a result is guilty of a misdemeanor and may be imprisoned for not
14 more than 1 year and shall be fined not less than \$5,000.00 or
15 more than \$10,000.00.

16 (5) A person who commits a violation described in subsection
17 (4) after a first conviction for such a violation is guilty of a
18 misdemeanor and may be imprisoned for not more than 2 years and
19 shall be fined not less than \$7,500.00 or more than \$15,000.00.

20 (6) A person who knowingly makes a false statement,
21 representation, or certification in an application for a permit
22 or a certificate of coverage or in a report required by a permit
23 or certificate of coverage issued under or rule promulgated under
24 this part is guilty of a misdemeanor and shall be fined not less
25 than \$1,000.00 or more than \$2,500.00.

26 (7) A person who commits a violation described in subsection
27 (6) after a first conviction for such a violation is guilty of a

1 misdemeanor and may be imprisoned for not more than 1 year and
2 shall be fined not less than \$2,000.00 or more than \$5,000.00.

3 (8) The attorney general may commence a civil action for
4 appropriate relief for a violation of this part, including a
5 permanent or temporary injunction restraining a violation or
6 ordering restoration of natural resources affected by a violation
7 and a civil fine of not more than \$25,000.00. The action may be
8 commenced in the circuit court for the county of Ingham or the
9 county in which the violation occurred.

10 (9) If a person knowingly commits a violation of this part,
11 the department may revoke a permit or certificate of coverage
12 issued to the person under this part.

13 Enacting section 1. This amendatory act takes effect
14 October 1, 2004.

15 Enacting section 2. This amendatory act does not take
16 effect unless House Bill No. 4730 of the 92nd Legislature is
17 enacted into law.