

# HOUSE BILL No. 4692

May 15, 2003, Introduced by Rep. Ruth Johnson and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11546 (MCL 324.11546).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 11546. (1) The department or a health officer may  
2 request that the attorney general bring an action in the name of  
3 the people of the state, or a municipality or county may bring an  
4 action based on facts arising within its boundaries, for any  
5 appropriate relief, including injunctive relief, for a violation  
6 of this part or rules promulgated under this part.

7       (2) In addition to any other relief provided by this section,  
8 the court may impose on any person who violates any provision of  
9 this part or rules promulgated under this part or who fails to  
10 comply with any permit, license, or final order issued pursuant  
11 to this part a civil fine **as follows:**

1           **(a) Except as provided in subdivision (b), a civil fine of**  
2 not more than \$10,000.00 for each day of violation.

3           **(b) For a second or subsequent violation, a civil fine of not**  
4 **more than \$25,000.00 for each day of violation.**

5           (3) In addition to any other relief provided by this section,  
6 the court may order a person violating this part or the rules  
7 promulgated under this part either to restore or to pay to the  
8 state an amount equal to the cost of restoring the natural  
9 resources of this state affected by the violation to their  
10 original condition before the violation, and to pay to the state  
11 the costs of surveillance and enforcement incurred by the state  
12 as a result of the violation.

13           (4) This part does not preclude any person from commencing a  
14 civil action based on facts that may also constitute a violation  
15 of this part or the rules promulgated under this part.

16           **(5) Other than fines dedicated under section 2505, all civil**  
17 **finances collected under this part shall be forwarded to the state**  
18 **treasurer for deposit into the solid waste staff account within**  
19 **the solid waste management fund created in section 11550.**

20           Enacting section 1. This amendatory act does not take  
21 effect unless all of the following bills of the 92nd Legislature  
22 are enacted into law:

23           (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4690 (request  
24 no. 03687'03).

25           (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4689 (request  
26 no. 03688'03).

27           (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4691 (request

1 no. 03689'03).