

HOUSE BILL No. 5744

April 1, 2004, Introduced by Rep. Palsrok and referred to the Committee on Commerce.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 20514, 20515, and
20516.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20514. (1) A person shall not knowingly do any of the
2 following:

3 (a) Make a false statement or misrepresentation of a material
4 fact pertinent to receiving or maintaining accreditation.

5 (b) Destroy, alter, or conceal any record, report, or
6 document required to be maintained under this part.

7 (c) Represent that the person is accredited under this part
8 in an area in which the person is not accredited.

9 (d) Violate section 20502(1).

10 (2) A person who violates subsection (1) is guilty of a

1 felony punishable as follows for each violation:

2 (a) Except as provided in subdivision (b), by imprisonment
3 for not more than 2 years or a fine of not more than \$25,000.00,
4 or both; or by imprisonment for not more than 7 years or a fine
5 of not more than \$1,025,000.00, or both, upon a finding that the
6 defendant acted in such a manner as to cause a substantial danger
7 of death or serious bodily injury to a human being and that
8 either of the following applies:

9 (i) The defendant had an actual awareness, belief, or
10 understanding that his or her conduct would cause a substantial
11 danger of death or serious bodily injury.

12 (ii) The defendant acted in gross disregard of the standard
13 of care that a reasonable person would observe in similar
14 circumstances.

15 (b) If a conviction under subsection (1) is a second or
16 subsequent conviction, by imprisonment for not more than 5 years
17 or a fine of not more than \$50,000.00, or both; or by
18 imprisonment for not more than 10 years or a fine of not more
19 than \$1,050,000.00, or both, upon a finding that the defendant
20 acted in such a manner as to cause a substantial danger of death
21 or serious bodily injury to a human being and that either of the
22 following applies:

23 (i) The defendant had an actual awareness, belief, or
24 understanding that his or her conduct would cause a substantial
25 danger of death or serious bodily injury.

26 (ii) The defendant acted in gross disregard of the standard
27 of care that a reasonable person would observe in similar

1 circumstances.

2 Sec. 20515. (1) A person who violates section 20502(1) is
3 subject to a civil fine of not more than \$10,000.00 for a first
4 violation or not more than \$25,000.00 for a second or subsequent
5 violation. Failure to pay the fine is sufficient cause for the
6 director of the department to suspend the person's permit with
7 respect to which the analytical data referred to in section 20502
8 was required.

9 (2) The attorney general may commence an action for
10 injunctive relief against a person who violates section
11 20502(1).

12 Sec. 20516. (1) Within 2 years after the effective date of
13 this part, the department shall submit to the standing committees
14 of the senate and house of representatives that are primarily
15 responsible for environmental protection legislation a written
16 report on consolidating the accreditation program under this part
17 and the certification program under the safe drinking water act,
18 1976 PA 399, MCL 325.1001 to 325.1023.

19 (2) The department shall annually submit to the senate and
20 house of representatives appropriations committees and the
21 committees of the senate and the house of representatives that
22 are primarily responsible for environmental protection
23 legislation a written report on the expense of administering this
24 part and the fees collected under this part.

25 (3) During January of 2006 and every even numbered year
26 thereafter, the department shall submit to the standing
27 committees of the senate and house of representatives that are

1 primarily responsible for environmental protection legislation a
2 written report on both of the following:

3 (a) Whether this part is consistent with the standards of
4 NELAC in effect at the time of the report.

5 (b) Recommendations as to whether this part should be
6 amended or repealed.

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

10 (a) Senate Bill No. 1135 or House Bill No.
11 (request no. 06495'04 **).

12 (b) Senate Bill No. _____ or House Bill No. 5742
13 (request no. 06496'04 **).

14 (c) Senate Bill No. _____ or House Bill No. 5743
15 (request no. 06497'04 **).