

# HOUSE BILL No. 5367

October 26, 2005, Introduced by Reps. Kehrl, Gillard, Alma Smith, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Sak, Angerer, Gleason, Polidori, Gonzales, Farrah, Donigan, Anderson, Clemente, Vagnozzi, Murphy, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Miller, Brandenburg, Byrnes, Hopgood, Espinoza, McDowell, Gaffney, Stewart, Nofs and Lemmons, III and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 32713 (MCL 324.32713), as added by 1995 PA 59.

## 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. In addition to  
9       any other relief granted, **EXCEPT AS PROVIDED IN SUBSECTION (2),** the

1 court may impose a civil fine of not more than \$1,000.00. In  
2 addition to a fine, the attorney general may file a suit in a court  
3 of competent jurisdiction to recover the full value of the costs of  
4 surveillance and enforcement by the state resulting from the  
5 violation.

6 (2) A PERSON WHO VIOLATES SECTION 32704A IS RESPONSIBLE FOR  
7 THE PAYMENT OF A CIVIL FINE OF NOT LESS THAN \$25,000.00 OR MORE  
8 THAN \$3,000,000.00.

9 (3) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS ORDERED  
10 UNDER THIS PART OR AN INSTALLMENT OF THE FINE OR COSTS MAY BE  
11 REMEDIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICATURE ACT  
12 OF 1961, 1961 PA 236, MCL 600.101 TO 600.9947.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No.\_\_\_\_ or House Bill No. 5366(request no.  
15 03751'05) of the 93rd Legislature is enacted into law.