

HOUSE BILL No. 4709

June 7, 2011, Introduced by Reps. Tlaib, Irwin, Bauer and Santana and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8901 (MCL 324.8901), as amended by 2004 PA 494, and by adding sections 8905d and 8905e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8901. As used in this part:

2 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
3 QUALITY.

4 (B) "FUND" MEANS THE ILLEGAL DUMPING REWARD FUND CREATED IN
5 SECTION 8905E.

6 (C) ~~(a)~~ "Litter" means ~~rubbish, refuse, waste material,~~
7 ~~garbage,~~ INCLUDING, BUT LIMITED TO, offal, paper, glass, cans, AND
8 bottles; ~~trash, debris; or~~ other foreign substances; or a

1 vehicle that is considered abandoned under section 252a of the
2 Michigan vehicle code, 1949 PA 300, MCL 257.252a.

3 (D) ~~(b)~~—"Public or private property or water" includes, but is
4 not limited to, any of the following:

5 (i) The right-of-way of a road or highway. ~~7~~a

6 (ii) **A** body of water or watercourse, **INCLUDING ICE ON THE**
7 **WATER**, or the shore or beach of a body of water or watercourse. ~~7~~
8 ~~including the ice above the water.~~

9 (iii) ~~(ii)~~—A park, playground, building, refuge, or conservation
10 or recreation area.

11 (iv) ~~(iii)~~—Residential or farm properties or timberlands.

12 (E) ~~(e)~~—"Vehicle" means a motor vehicle registered or required
13 to be registered under the Michigan vehicle code, 1949 PA 300, MCL
14 257.1 to 257.923.

15 (F) ~~(d)~~—"Vessel" means a vessel registered under part 801.

16 **SEC. 8905D. (1) THE DEPARTMENT SHALL PAY A REWARD TO A PERSON**
17 **WHO PROVIDES INFORMATION THAT MATERIALLY CONTRIBUTES TO THE**
18 **IMPOSITION OF A CIVIL FINE AGAINST ANY PERSON UNDER SECTION 8905A.**
19 **THE REWARD SHALL BE 50% OF THE AMOUNT OF THE CIVIL FINE COLLECTED.**

20 (2) **IF MORE THAN 1 PERSON PROVIDES INFORMATION DESCRIBED IN**
21 **SUBSECTION (1) FOR A SINGLE VIOLATION, THE FIRST PERSON TO PROVIDE**
22 **SUCH INFORMATION TO THE INVESTIGATING AGENCY IS ELIGIBLE FOR THE**
23 **REWARD. HOWEVER, IF 1 OR MORE OTHER PERSONS PROVIDE SUCH**
24 **INFORMATION TO THE INVESTIGATING AGENCY ON THE SAME DAY AS THE**
25 **FIRST PERSON, THE REWARD SHALL BE DIVIDED EQUALLY AMONG ALL PERSONS**
26 **PROVIDING INFORMATION THAT DAY.**

27 (3) **A PUBLIC OFFICER OR EMPLOYEE OF THE UNITED STATES, THIS**

1 STATE, A POLITICAL SUBDIVISION OF THIS STATE, OR ANY OTHER
2 JURISDICTION, FOREIGN OR DOMESTIC, IS NOT ELIGIBLE FOR THE REWARD
3 UNDER THIS SECTION IF PROVIDING INFORMATION PURSUANT TO SUBSECTION
4 (1) RELATES IN ANY MANNER TO HIS OR HER RESPONSIBILITIES AS A
5 PUBLIC OFFICER OR EMPLOYEE.

6 (4) AN EMPLOYEE OF A BUSINESS WHO PROVIDES INFORMATION THAT
7 THE BUSINESS VIOLATED THIS PART IS NOT ELIGIBLE FOR A REWARD IF THE
8 EMPLOYEE INTENTIONALLY CAUSED THE VIOLATION.

9 (5) THE DEPARTMENT SHALL PROMULGATE RULES THAT ESTABLISH
10 PROCEDURES FOR RECEIVING AND REVIEWING CLAIMS FOR PAYMENT OF
11 REWARDS, DETERMINING ELIGIBILITY FOR AN AWARD, AND DETERMINING THE
12 MATERIALITY OF THE INFORMATION PROVIDED. IN EACH CASE BROUGHT UNDER
13 SECTION 8905A, WHICHEVER OFFICE PROSECUTED THE ACTION SHALL
14 DETERMINE WHETHER THE INFORMATION MATERIALLY CONTRIBUTED TO THE
15 IMPOSITION OF A CIVIL FINE.

16 (6) THE DEPARTMENT SHALL PERIODICALLY PUBLICIZE THE
17 AVAILABILITY OF THE REWARDS UNDER THIS SECTION.

18 (7) A CLAIM FOR A REWARD UNDER THIS SECTION MAY BE SUBMITTED
19 ONLY FOR INFORMATION PROVIDED ON OR AFTER THE EFFECTIVE DATE OF
20 THIS SECTION.

21 SEC. 8905E. (1) THE ILLEGAL DUMPING REWARD FUND IS CREATED
22 WITHIN THE STATE TREASURY.

23 (2) FIFTY PERCENT OF ALL CIVIL FINES COLLECTED UNDER SECTION
24 8905A SHALL BE DEPOSITED INTO THE FUND. THE STATE TREASURER MAY
25 ALSO RECEIVE MONEY OR OTHER ASSETS FROM ANY OTHER SOURCE FOR
26 DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE
27 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE

1 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

2 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
3 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

4 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
5 AUDITING PURPOSES.

6 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
7 APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES IN THE FOLLOWING
8 ORDER OF PRIORITY:

9 (A) PAYMENT OF REWARDS UNDER SECTION 8905D.

10 (B) PUBLICIZING THE AVAILABILITY OF REWARDS AS REQUIRED UNDER
11 SECTION 8905D.