

# SENATE BILL No. 765

September 21, 2005, Introduced by Senator VAN WOERKOM and referred to the Committee on Natural Resources and Environmental Affairs.

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, offal, paper, glass, cans, bottles, trash, debris, or  
8           other foreign substances or a vehicle that is considered abandoned

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

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

5 (i) The right-of-way of a road or highway, a body of water or  
6 watercourse, or the shore or beach of a body of water or  
7 watercourse, including the ice above the water.

8 (ii) A park, playground, building, refuge, or conservation or  
9 recreation area.

10 (iii) Residential or farm properties or timberlands.

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

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

15 **SEC. 8905D. (1) A PERSON WHO PROVIDES INFORMATION THAT**  
16 **MATERIALLY CONTRIBUTES TO THE IMPOSITION OF A CIVIL FINE AGAINST**  
17 **ANY PERSON UNDER SECTION 8905A MAY BE PAID A REWARD PURSUANT TO**  
18 **RULES ADOPTED BY THE DEPARTMENT UNDER SUBSECTION (6). THE REWARD**  
19 **SHALL BE 50% OF THE AMOUNT OF THE CIVIL FINE UNDER SECTION 8905A**  
20 **THAT IS COLLECTED.**

21 (2) A PERSON IS NOT ELIGIBLE FOR A REWARD UNDER THIS SECTION  
22 FOR A VIOLATION PREVIOUSLY KNOWN TO THE INVESTIGATING AGENCY UNLESS  
23 THE INFORMATION MATERIALLY CONTRIBUTES TO THE CIVIL INFRACTION  
24 JUDGMENT.

25 (3) IF THERE IS MORE THAN 1 PERSON WHO PROVIDES INFORMATION  
26 PURSUANT TO SUBSECTION (1) FOR A SINGLE VIOLATION, THE FIRST PERSON  
27 TO NOTIFY THE INVESTIGATING AGENCY IS ELIGIBLE FOR THE REWARD. IF

1 MORE THAN 1 NOTIFICATION IS RECEIVED ON THE SAME DAY, THE REWARD  
2 SHALL BE DIVIDED EQUALLY AMONG THOSE PERSONS PROVIDING THE  
3 INFORMATION.

4 (4) PUBLIC OFFICERS AND EMPLOYEES OF THE UNITED STATES OR ANY  
5 STATE OR POLITICAL SUBDIVISION THEREOF ARE NOT ELIGIBLE FOR THE  
6 REWARD UNDER THIS SECTION UNLESS REPORTING THOSE VIOLATIONS DOES  
7 NOT RELATE IN ANY MANNER TO THEIR RESPONSIBILITIES AS PUBLIC  
8 OFFICERS OR EMPLOYEES.

9 (5) AN EMPLOYEE OF A BUSINESS WHO PROVIDES INFORMATION THAT  
10 THE BUSINESS VIOLATED THIS PART IS NOT ELIGIBLE FOR A REWARD IF THE  
11 EMPLOYEE INTENTIONALLY CAUSED THE VIOLATION OR IF THE EMPLOYEE HAD  
12 AN OPPORTUNITY TO TAKE REASONABLE ACTION TO STOP THE VIOLATION BUT  
13 FAILED TO TAKE THAT ACTION.

14 (6) THE DEPARTMENT SHALL PROMULGATE RULES THAT ESTABLISH  
15 PROCEDURES FOR THE RECEIPT AND REVIEW OF CLAIMS FOR PAYMENT OF  
16 REWARDS. ALL DECISIONS CONCERNING THE ELIGIBILITY FOR AN AWARD AND  
17 THE MATERIALITY OF THE PROVIDED INFORMATION SHALL BE MADE PURSUANT  
18 TO THESE RULES. IN EACH CASE BROUGHT UNDER SECTION 8905A, WHICHEVER  
19 OFFICE PROSECUTED THE ACTION SHALL DETERMINE WHETHER THE  
20 INFORMATION MATERIALLY CONTRIBUTED TO THE IMPOSITION OF A CIVIL  
21 FINE.

22 (7) A PERSON IS NOT ELIGIBLE FOR A REWARD UNDER SUBSECTION (1)  
23 FOR INFORMATION PROVIDED BEFORE THE EFFECTIVE DATE OF THIS SECTION.  
24 A REWARD SHALL NOT BE PAID UNDER SUBSECTION (1) UNTIL RULES ARE  
25 PROMULGATED BY THE DEPARTMENT UNDER SUBSECTION (6).

26 (8) THE DEPARTMENT SHALL PERIODICALLY PUBLICIZE THE  
27 AVAILABILITY OF THE REWARDS PROVIDED FOR IN THIS SECTION.

1           (9) IN ADDITION TO ANY OTHER SANCTION PROVIDED FOR BY LAW, A  
2 PERSON WHO KNOWINGLY PROVIDES FALSE INFORMATION TO OBTAIN A REWARD  
3 UNDER SUBSECTION (1) IS LIABLE TO BOTH OF THE FOLLOWING:

4           (A) TO THE DEPARTMENT, FOR THE EXPENSES INCURRED BY THE  
5 DEPARTMENT AS A DIRECT RESULT OF THE FALSE INFORMATION.

6           (B) TO THE PERSON AGAINST WHOM THE FALSE INFORMATION WAS  
7 PROVIDED, FOR THE EXPENSES, INCLUDING, BUT NOT LIMITED TO,  
8 REASONABLE ATTORNEY FEES, INCURRED BY THAT PERSON IN PROCEEDINGS  
9 UNDER THIS PART AS A DIRECT RESULT OF THE FALSE INFORMATION.

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

12           (2) FIFTY PERCENT OF ALL CIVIL FINES COLLECTED UNDER SECTION  
13 8905A SHALL BE DEPOSITED INTO THE FUND. THE STATE TREASURER MAY  
14 ALSO RECEIVE MONEY OR OTHER ASSETS FROM ANY OTHER SOURCE FOR  
15 DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE  
16 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE  
17 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

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

20           (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON  
21 APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES IN THE FOLLOWING  
22 ORDER OF PRIORITY:

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

24           (B) PUBLICIZING THE AVAILABILITY OF REWARDS AS REQUIRED UNDER  
25 SECTION 8905D.