

HOUSE BILL No. 5081

June 11, 2009, Introduced by Reps. Tlaib, Valentine, Spade, Nathan, Constan, Geiss, Young, Leland, Hammel, LeBlanc, Clemente, Dean and Jackson and referred to the Committee on Great Lakes and Environment.

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
9 under section 252a of the Michigan vehicle code, 1949 PA 300, MCL

1 257.252a.

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

4 (i) The right-of-way of a road or highway. ~~—a~~

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

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

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

11 (E) ~~(e)~~—"Vehicle" means a motor vehicle registered or required
12 to be registered under the Michigan vehicle code, 1949 PA 300, MCL
13 257.1 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 SHALL BE PAID A REWARD PURSUANT TO**
18 **RULES ADOPTED BY THE DEPARTMENT UNDER SUBSECTION (5). THE REWARD**
19 **SHALL BE 50% OF THE AMOUNT OF THE CIVIL FINE COLLECTED.**

20 (2) IF THERE IS MORE THAN 1 PERSON WHO PROVIDES INFORMATION
21 PURSUANT TO SUBSECTION (1) FOR A SINGLE VIOLATION, THE FIRST PERSON
22 TO NOTIFY THE INVESTIGATING AGENCY IS ELIGIBLE FOR THE REWARD. IF
23 MORE THAN 1 NOTIFICATION IS RECEIVED ON THE SAME DAY, THE REWARD
24 SHALL BE DIVIDED EQUALLY AMONG THOSE PERSONS PROVIDING THE
25 INFORMATION.

26 (3) PUBLIC OFFICER OR EMPLOYEE OF THE UNITED STATES, THIS
27 STATE, OR THE STATE OF WISCONSIN, ILLINOIS, INDIANA, OR OHIO, OR OF

1 A POLITICAL SUBDIVISION OF THIS STATE OR THE STATE OF WISCONSIN,
2 ILLINOIS, INDIANA, OR OHIO IS NOT ELIGIBLE FOR THE REWARD UNDER
3 THIS SECTION UNLESS REPORTING THOSE VIOLATIONS DOES NOT RELATE IN
4 ANY MANNER TO HIS OR HER RESPONSIBILITIES AS A PUBLIC OFFICER OR
5 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 THE RECEIPT AND REVIEW OF CLAIMS FOR PAYMENT OF
11 REWARDS. ALL DECISIONS CONCERNING THE ELIGIBILITY FOR AN AWARD AND
12 THE MATERIALITY OF THE INFORMATION PROVIDED SHALL BE MADE PURSUANT
13 TO THESE RULES. IN EACH CASE BROUGHT UNDER SECTION 8905A, WHICHEVER
14 OFFICE PROSECUTED THE ACTION SHALL DETERMINE WHETHER THE
15 INFORMATION MATERIALLY CONTRIBUTED TO THE IMPOSITION OF A CIVIL
16 FINE.

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

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

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

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

1 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE
2 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

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

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

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

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

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