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BILL ANALYSIS

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Senate Bills 532 and 533 (as introduced 6-3-03)
Senate Bill 860 (as introduced 12-2-03)
Sponsor: Senator Gerald Van Woerkom (Senate Bills 532 & 533)
 Senator Wayne Kuipers (Senate Bill 860)
Committee: Natural Resources and Environmental Affairs

Date Completed: 12-2-03

CONTENT

Senate Bill 532 would amend Part 89 (Littering) of the Natural Resources and Environmental Protection Act (NREPA) to require payment of a reward to a person who provided information materially contributing to a civil fine imposed for littering, pursuant to rules the Department of Environmental Quality (DEQ) would have to adopt. The bill also would create the "Illegal Dumping Reward Fund", funded by civil fines imposed for littering, for payment of the rewards and for publicizing their availability.

Senate Bill 533 would amend the Revised Judicature Act to exempt civil fines imposed for littering from the requirement that State civil infraction fines be applied solely for the support of public libraries and county law libraries.

Senate Bill 860 would amend Part 89 of NREPA to require the DEQ to establish and maintain a statewide toll-free telephone number to receive information on violations of that part. The DEQ would have to take steps to inform the public of the existence and purpose of the toll-free number, including publicizing the number on the Department's Internet website.

Senate Bills 533 and 860 are tie-barred to Senate Bill 532. A more detailed description of Senate Bill 532 follows.

Part 89 of NREPA prohibits a person from dumping, depositing, or otherwise leaving litter on public or private property or water, other than property designated for that purpose. Violators are responsible for a State civil infraction and are subject to fines ranging from \$800 to \$5,000, depending on the amount of litter.

Under the bill, a person who provided information materially contributing to the imposition of a civil fine against another person for littering would have to be paid a reward that was 50% of the amount of the civil fine collected.

A person would not be eligible for a reward for a violation previously known to the investigating agency unless the information materially contributed to the civil infraction judgment. If more than one person provided information for a single violation, the first person to notify the investigating agency would be eligible for the reward. If more than one notification were received on the same day, the reward would have to be divided equally among those who provided the information.

Public officers and employees of the United States, the State of Michigan, the states of Wisconsin, Illinois, Indiana, and Ohio, or counties and cities in Michigan and those states would not be eligible for the reward, unless reporting littering violations did not relate in any matter to their responsibilities as public officers or employees. An employee of a business who provided information that the business violated Part 89 would not be eligible for a reward if the employee intentionally caused the violation.

The DEQ would have to promulgate rules establishing procedures for the receipt and review of claims for payment of rewards. All decisions concerning the eligibility for an award and the materiality of the provided information would have to be made under these rules. In each case, whichever office prosecuted the action would have to determine whether the information materially contributed to the imposition of a civil fine.

Periodically, the DEQ would have to publicize the availability of the rewards to the public.

A claim for a reward could be submitted only for information provided on or after the bill's effective date.

Further, the bill would create the Illegal Dumping Reward Fund in the State Treasury. Fifty percent of all civil fines collected for littering would have to be deposited into the Fund. The State Treasurer also could receive money or other assets from any other source for deposit into the Fund. The Treasurer would have to direct the investment of the Fund, and credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would have to remain in the Fund and not lapse to the General Fund.

The DEQ could spend money from the Fund, upon appropriation, only for the payment of rewards and for publicizing the availability of rewards, as required by the bill.

MCL 324.8901 et al. (S.B. 532)
600.8831 (S.B. 533)

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bills would have an indeterminate fiscal impact. They would create a reward system for people who reported littering and illegal dumping activity. The proposed Illegal Dumping Reward Fund would be funded with 50% of the civil fines assessed for illegal dumping. People who provided information leading to the assessment of a civil fine would receive 50% of the fine revenue. Currently, all of the civil fine revenue for violations of this part benefits public libraries. The toll-free telephone number and monetary reward could attract additional information, but half of the resulting fines would be paid to private individuals.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.