

HOUSE BILL No. 4997

July 17, 2003, Introduced by Reps. Tobocman, Hunter, Hood, Accavitti, Smith, Meisner and Gillard and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 8901 (MCL 324.8901) 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 all rubbish, refuse, waste material,
7 garbage, offal, paper, glass, cans, bottles, trash, debris, or
8 other foreign substances.

9 (d) ~~-(b)-~~ "Public or private property or water" includes, but
10 is not limited to, any of the following:

1 (i) The right-of-way of a road or highway, a body of water or
2 watercourse, or the shore or beach of the body of water or
3 watercourse, including the ice above the water.

4 (ii) A park, playground, building, refuge, or conservation or
5 recreation area.

6 (iii) Residential or farm properties or timberlands.

7 (e) ~~-(e)-~~ "Vehicle" means ~~every~~ a motor vehicle registered
8 under the Michigan vehicle code, ~~Act No. 300 of the Public Acts~~
9 ~~of 1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
10 ~~Laws 1949 PA 300, MCL 257.1 to 257.923.~~

11 (f) ~~-(d)-~~ "Vessel" means a vessel registered under ~~the~~
12 ~~marine safety act, Act No. 303 of the Public Acts of 1967, being~~
13 ~~sections 281.1001 to 281.1199 of the Michigan Compiled Laws part~~
14 ~~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 (6). The reward
19 shall be 50% of the amount of the civil fine collected.

20 (2) A person is not eligible for a reward under this section
21 for a violation previously known to the investigating agency
22 unless the information materially contributes to the civil
23 infraction judgment.

24 (3) If there is more than 1 person who provides information
25 pursuant to subsection (1) for a single violation, the first
26 person to notify the investigating agency is eligible for the
27 reward. If more than 1 notification is received on the same day,

1 the reward shall be divided equally among those persons providing
2 the information.

3 (4) Public officers and employees of the United States, the
4 state of Michigan, the states of Wisconsin, Illinois, Indiana,
5 and Ohio, or counties and cities in Michigan, Wisconsin,
6 Illinois, Indiana, and Ohio are not eligible for the reward under
7 this section unless reporting those violations does not relate in
8 any manner to their responsibilities as public officers or
9 employees.

10 (5) An employee of a business who provides information that
11 the business violated this part is not eligible for a reward if
12 the employee intentionally caused the violation.

13 (6) The department shall promulgate rules that establish
14 procedures for the receipt and review of claims for payment of
15 rewards. All decisions concerning the eligibility for an award
16 and the materiality of the provided information shall be made
17 pursuant to these rules. In each case brought under section
18 8905a, whichever office prosecuted the action shall determine
19 whether the information materially contributed to the imposition
20 of a civil fine.

21 (7) The department shall periodically publicize the
22 availability of the rewards provided for in this section to the
23 public.

24 (8) A claim for a reward under this section may be submitted
25 only for information provided on or after the effective date of
26 this section.

27 Sec. 8905e. (1) The illegal dumping reward fund is created

1 within the state treasury.

2 (2) Fifty percent of all civil fines collected under section
3 8905a shall be deposited into the fund. The state treasurer may
4 also receive money or other assets from any other source for
5 deposit into the fund. The state treasurer shall direct the
6 investment of the fund. The state treasurer shall credit to the
7 fund interest and earnings from fund investments.

8 (3) Money in the fund at the close of the fiscal year shall
9 remain in the fund and shall not lapse to the general fund.

10 (4) The department shall expend money from the fund, upon
11 appropriation, only for the following purposes in the following
12 order of priority:

13 (a) Payment of rewards under section 8905d.

14 (b) Publicizing the availability of rewards as required under
15 section 8905d.