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SENATE ANALYSIS SECTION

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Lansing, Michigan 48909

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Senate Bill 2 (as passed by the Senate)
Senate Bill 3 (as passed by the Senate)
Sponsor: Senator Doug Carl
Committee: Natural Resources and Environmental Affairs
Date Completed: 2-19-87

RATIONALE

Michigan hazardous waste and environmental contamination sites are identified by signs that serve as a warning to the public of the presence of hazardous substances. They designate the boundaries of a hazardous waste treatment, storage, or disposal facility and an environmental contamination site. Reportedly, some of these signs have been stolen or destroyed, creating a potentially harmful situation for persons who might enter such an area. Under current law, a person who removes or destroys signs or boundary markers is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$100, or both. Some feel that the amount of that fine is too low in view of the potential harm that could result from the destruction or removal of a hazardous waste or environmental contamination sign. They recommend that the law be amended to increase the amount of the fine for this offense.

CONTENT

Senate Bill 2 would amend the Environmental Response Act, and Senate Bill 3 would amend the Hazardous Waste Management Act, to provide that a person who willfully tore down, removed, or destroyed any sign or notice that warned of the presence of hazardous substances or marked the boundaries of an environmental contamination site subject to "response activity", or a hazardous waste treatment, storage, or disposal facility, would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$500, or both. ("Response activity" refers to an activity necessary to protect the public or the environment, as determined by the Governor or his or her designee.) The bills are tie-barred and would take effect July 1, 1987.

Proposed MCL 299.608a (Senate Bill 2)

299.547a (Senate Bill 3)

FISCAL IMPACT

The bills would have no fiscal impact on either state or local governments.

ARGUMENTS

Supporting Argument

Current law requires that warning signs be placed around a hazardous waste or environmental contamination site to protect unknowing entrants from exposure to hazardous material. Notices of hazard and site boundary markers must remain intact to protect the public. Because the

Environmental Response Act and Hazardous Waste Management Act do not contain a penalty for removing or destroying warning signs, however, that offense is punishable under the more generic provisions of the Michigan Penal Code that make it a misdemeanor to remove or destroy boundary markers and other signs. Since the penalty for these violations is not specified in statute, an offender is subject to a maximum fine of only \$100 and up to 90 days' imprisonment. By amending the hazardous waste and environmental contamination site statutes to provide a specific, higher penalty for the removal of warning signs, the bills would discourage that activity, encourage the prosecution of such an offense, and assist in improving security at these sites.

Further, limiting the penalty to a maximum of \$500 and 90 days would allow the violation to continue being classified as a "minor offense". This would expedite the enforcement process because, for a minor offense, the law enforcement officer may issue an appearance ticket at the site of the infraction and avoid having to take the violator before a magistrate.

Legislative Analyst: B. Baker

Fiscal Analyst: A. Rich

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.

S.B. 2 & 3 (2-19-87)