



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5176 (Substitute S-2 as reported)
House Bills 5177 and 5178 (as reported without amendment)
Sponsor: Representative Daniel Acciavatti (H.B. 5176)
Representative Phil Pavlov (H.B. 5177)
Representative David Palsrok (H.B. 5178)
House Committee: Natural Resources, Great Lakes, Land Use, and Environment
Senate Committee: Natural Resources and Environmental Affairs

CONTENT

House Bill 5176 (S-2) would add Section 11526e to the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Prohibit a person from delivering for disposal in a landfill or incinerator municipal solid waste that was generated outside of the United States.
- Prohibit a landfill or incinerator owner or operator from accepting for disposal municipal solid waste that was generated outside of the United States.
- Provide that the prohibitions would not apply unless Congress enacted legislation authorizing them.
- Specify that the prohibitions would not apply if the delivery and acceptance of waste were pursuant to a contract entered into before the bill's effective date.

The prohibitions would apply 90 days after the effective date of the Federal legislation or 90 days after the bill's effective date, whichever was later.

House Bill 5177 would amend Part 115 (Solid Waste Management) of NREPA to provide that a person who knowingly violated Section 11526e would be guilty of a felony punishable by imprisonment for up to two years and/or a fine of up to \$5,000. The bill is tie-barred to House Bill 5176.

House Bill 5178 would amend the Code of Criminal Procedure to include a violation of Section 11526e in the sentencing guidelines. The felony would be a Class G offense against public safety with a statutory maximum sentence of two years. The bill is tie-barred to House Bill 5177.

Proposed MCL 324.11526e (H.B. 5176)
MCL 324.11549 (H.B. 5177)
MCL 777.13c (H.B. 5178)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

House Bill 5176 (S-2) would have no fiscal impact on State or local government.

House Bills 5177 and 5178 would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of knowingly importing solid waste from a foreign country. Local governments would incur the

cost of incarceration in local facilities, which varies by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000.

Date Completed: 11-2-05

Fiscal Analyst: Mike Hansen
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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.