



Senate Fiscal Agency
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House Bill 5771 (Substitute S-1 as reported by the Committee of the Whole)
House Bill 5772 (as reported without amendment)
Sponsor: Representative Ruth Johnson
House Committee: Land Use and Environment
Senate Committee: Appropriations

CONTENT

House Bill 5771 (S-1) would amend Part 117 (Septage Waste Services) of the Natural Resources and Environmental Protection Act to create a new fee structure for septage waste servicing and vehicle licenses and site permits; revise the requirements for each of these license, permit, and disposal methods; establish criteria for receiving facilities; create the "Septage Waste Program Fund"; require the Department of Environmental Quality to convene a septage advisory committee; and increase fines and penalties for violations of this part. The bill also would update references to Part 117 in other areas of the Act.

House Bill 5772 would amend the Code of Criminal Procedure to include in the sentencing guidelines the proposed felony offense of knowingly making a false statement or entry in a septage license application or other record.

MCL 324.11701 et al (H.B. 5771)
MCL 777.13c (H.B. 5772)

FISCAL IMPACT

Additional fee revenue of \$296,600 is anticipated from the new fee structure and increased fee levels. The FY 2004-05 budget for the Department of Environmental Quality includes \$2,060,300 in septage waste permit fees, divided between \$1,525,000 for septage waste compliance grants and \$535,500 for administrative costs. This appropriation includes an increase of \$174,900 over the FY 2003-04 appropriation and an offset of the removal of \$121,700 in General Fund support for the program, pursuant to the Target Agreement. The increased fee revenue would provide for the additional administrative responsibilities required of the DEQ in this bill.

By creating a new felony and increasing sentence lengths for existing misdemeanor violations, the bills would increase State and local corrections costs. There are no Statewide data on the number of offenders currently convicted of violating the relevant misdemeanors. Local governments incur the costs of misdemeanor probation and incarceration in a local facility, which vary by county. There also are no data available to indicate how many offenders would be convicted of the proposed felony. The felony would be a Class G offense for which an offender would be subject to a sentencing guidelines minimum sentencing range from 0-3 months to 7-16 months. Local units would incur the costs of incarceration in a local facility, while the State would incur the cost of felony probation at an average annual cost of \$1,800 and the cost of incarceration in a State facility at an average annual cost of \$28,000. Public libraries would benefit from any additional penal fine revenue.

Date Completed: 9-28-04

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