

Legislative Analysis



PROHIBIT IMPORTED SOLID WASTE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5176

Sponsor: Rep. Daniel Acciavatti

House Bill 5177

Sponsor: Rep. Phil Pavlov

House Bill 5178

Sponsor: Rep. David Palsrok

Committee: Natural Resources, Great Lakes, Land Use, and Environment
Complete to 9-14-05

A SUMMARY OF HOUSE BILLS 5176-5178 AS INTRODUCED 9-13-05

Generally speaking, the bills would prohibit the importation of trash from a foreign country.

House Bill 5176

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to prohibit the delivery of municipal solid waste (including municipal solid waste incinerator ash) generated outside of the U.S. to a landfill or incinerator in the state. The owner or operator of a landfill would be prohibited from accepting the foreign waste.

The prohibition would apply only after Congress enacts legislation under Clause 3 of Section 8 of Article I of the U.S. Constitution (the Commerce Clause) allowing such prohibitions. The bill would take effect 90 days after (1) the effective date of the federal legislation, or (2) the effective date of the bill, whichever is later.

MCL 324.11526e

House Bill 5177

The bill would amend Part 115 of the Natural Resources and Environmental Protection Act to specify that a violation of HB 5176 would be a felony punishable by imprisonment of up to two years and/or a fine of up to \$5,000. The bill is tie-barred to HB 5176.

MCL 324.11549

House Bill 5178

The bill would amend sentencing guidelines contained in Chapter XVII of the Code of Criminal Procedure to specify that the importation of solid waste from a foreign country

would be a Class G felony against the public safety with a statutory maximum prison sentence of two years. The bill is tie-barred to HB 5177.

MCL 777.13c

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and local units of government depending on how they affected felony convictions and sentences. Convicted felons may be sentenced to state prison, probation supervision, the county jail, or a combination of jail and probation. Prison and probation costs are borne by the state, and average about \$29,000 per offender per year for prison incarceration and \$1,977 per offender per year for probation supervision. Costs of jailing would be borne by the county, and vary from county to county. Fines would go to local libraries; state-ordered costs go to the state Justice System Fund.

Legislative Analyst: Mark Wolf
Fiscal Analyst: Marilyn Peterson

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.