



Senate Fiscal Agency
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House Bill 4454 (Substitute H-3 as reported without amendment)

Sponsor: Representative Cynthia Johnson

House Committee: Judiciary

Senate Committee: Environmental Quality

CONTENT

The bill would amend Part 89 (Littering) of the Natural Resources and Environmental Protection Act to do the following:

- Prescribe penalties for first and subsequent violations for littering if the amount of litter were three cubic feet or more but less than five cubic yards.
- Prescribe penalties for first and subsequent violations for littering if the amount of litter were five cubic yards or more.
- Specify that the bill would apply to a person and a person's employer or employing agency if the violation were committed at the direction of or with the knowledge of the employer or employing agency.
- Require a court to order a person to remove the litter and remediate any damage caused to a property as a result of littering.
- Specify that if a prosecuting attorney intended to seek an enhanced fine, he or she would have to include on the complaint and information a statement listing the defendant's previous conviction or convictions under Part 89.
- Allow a city or township attorney, a prosecuting attorney, or the Attorney General to bring an action to seek a civil fine for the cost of cleanup.
- Prohibit a civil fine for cleanup ordered as a result of an action brought by one of the individuals listed above from exceeding the actual cleanup and remediation costs.

MCL 324.8905a

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have a positive fiscal impact on local governments and no fiscal impact on the State. The proposed changes would provide for penal fines, and in addition to, or instead of that, civil fines, for the costs to clean up litter and remediate property damage in an amount up to the actual costs. Any additional increase in revenue from penal fines would go to local libraries. Any civil fines levied would be directed to the local community, municipal, county, or State department that performed the clean-up and remediation. The amount of civil fine revenue could not exceed the actual cost of clean-up and remediation. The revenue for local units of government is indeterminate and would depend on the actual number of violations.

Date Completed: 9-15-20

Fiscal Analyst: Ryan Bergan