



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 151

PRINTERS NO. 1426

PRIME SPONSOR: Pileggi

COST / (SAVINGS)

FUND	FY 2010/11	FY 2011/12
Clean Air	\$0	\$1,125,000

SUMMARY: Senate Bill 151, Printer's Number 1426, amends the Air Pollution Control Act to require 25 percent of the fines or civil penalties collected to be returned to the municipality where the violation occurred. Certain notice provisions are placed upon the Department of Environmental Protection and the municipality in order to receive the funds. This bill shall take effect in 60 days upon enactment.

ANALYSIS: This legislation amends the Air Pollution Control Act (Act 787 of 1959) to require 25 percent of the fines or civil penalty collected over \$50,000 to be returned to the municipality in which the incident occurred for parks, recreation projects, trails, or open space. The Department of Environmental Protection shall notify the municipality in which the violation occurred of the fine or civil penalty within five business days after the expiration of the right to file an appeal of the fine or civil penalty. The municipality is then required to submit a project proposal to the department for review and approval. If all fines and civil penalties deposited into the Clean Air Fund are less than \$1,850,000 or if the fine is from a joint state prosecution of the Clean Air Act with the Environmental Protection Agency, then the release of 25 percent of fine or civil penalty to the municipality shall not apply.

The bill further states that the municipality may assign its claim to funding to the county within a one hundred eighty day period, and the county shall then submit a project proposal to the department for review and approval within forty-five days of the one hundred eighty day period. If the municipality does not submit a proposal, the county still may submit a project proposal to the department.

FISCAL IMPACT: The department is not expected to have significant additional costs administering these provisions. Since all fees and penalties are deposited into the Clean Air Fund, a 25 percent reduction of fines and civil penalties will impact the available balance of the fund. For example, the Clean Air Fund receives approximately \$4.5 million from fines and penalties annually, which would result in \$1.125 million less to the fund and is then returned to the municipality.

PREPARED BY: Jeffrey Clukey
House Appropriations Committee (R)

DATE: June 24, 2011

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.