

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5525 (Substitute H-1 as reported by the Committee of the Whole)
Sponsor: Representative Gerald Van Woerkam
House Committee: Agriculture and Resource Management
Senate Committee: Farming, Agribusiness and Food Systems

CONTENT

The bill would amend the Weights and Measures Act to do the following:

- Adopt uniform national standards published in 2002.
- Permit the Director of the Michigan Department of Agriculture to adopt any future updates or supplements to the standards incorporated by reference.
- Establish a voluntary registration program for service personnel and agencies (who would repair or install commercial weights and measures).
- Allow the Director to issue a stop use order on equipment if a fine or fee were not paid.
- Increase maximum criminal fines for violations.
- Allow the Director to enter into consent agreements for the assessment of civil fines, or take other action if an alleged violator did not enter into a consent agreement.
- Include automatic checkout systems among regulated weights and measures.

MCL 290.601 et al.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would result in an indeterminate increase in State revenue associated with the proposed voluntary registration program. Any revenue generated by the new fees would be deposited in the General Fund and earmarked for the weights and measures program. It is believed that any new revenue would cover the costs of administering the registration system.

The bill also would have an indeterminate fiscal impact on the Department of Corrections and local government. There are no statewide data available to indicate how many offenders a year are convicted of misdemeanors for violating the Weights and Measures Act. According to the 1999 Department of Corrections Statistical Report, no offenders were convicted of or currently serving time for felony violations of the Act.

To the extent that the bill would add to the list of prohibited activities, it could increase the number of offenders convicted of misdemeanors. Local units would incur the additional cost of probation and incarceration, which varies by county from \$27 to \$65 per day. The bill also could increase State costs by making a third violation within 24 months a felony punishable by up to five years' imprisonment. If one additional offender were convicted of a felony, sentenced to prison, and received the longest minimum sentence, it would cost the State \$83,000, assuming an average annual cost of incarceration of \$25,000. In addition, the bill would increase the potential penal fine revenue available to libraries by increasing the maximum fines for misdemeanors from \$5,000 to \$10,000 and for felonies from \$10,000 to \$20,000.

Date Completed: 4-9-02

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