

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING LIMITATIONS ON THE IMPOSITION OF FINES BY STATE AGENCIES FOR MINOR VIOLATIONS, AND, IN CONNECTION THEREWITH, DEFINING A MINOR VIOLATION AS AN INSPECTION-RELATED OR PAPERWORK VIOLATION OF STATE LAW OR STATE AGENCY RULE THAT DOES NOT HARM OR THREATEN PUBLIC HEALTH OR SAFETY AND REQUIRING A STATE AGENCY TO PROVIDE A VIOLATOR WITH NOTICE AND AN OPPORTUNITY TO CURE A MINOR VIOLATION BEFORE IMPOSING A FINE.

Prime Sponsors: Representative Coram
Sens. Giron and King S.

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Date Prepared: April 10, 2012

Summary of Amendments Made to the Bill After the 04/10/12 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs* **Does Not Concur** **Updated Analysis**

*Joint Budget Committee staff used the Joint Budget Committee policy for certain centrally-appropriated line items, which accounts for the difference between the appropriation clause and the Legislative Council Fiscal Note.

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$2,224,372 General Fund and 26.7 FTE to the Department of Public Health and Environment. The appropriation is to the following divisions:

- \$302,053 to the Administration and Support Division for centrally-appropriated expenses;
- \$93,596 General Fund and 1.3 FTE to the Air Pollution Control Division;
- \$1,540,735 General Fund and 21.4 FTE to the Water Quality Control Division; and
- \$287,988 General Fund and 4.0 FTE to the Hazardous Materials and Waste Management Division.

Bill Sponsor Amendments

Sponsor amendment **L.007** (attached) strikes the two previous committee reports and the original bill and does the following:

- Adds a legislative declaration and defines four terms used in the bill;
- Requires the Department of Public Health and Environment (Department) to issue a violation notice regarding either an inspection-related or paperwork-related violation within twenty business days of discovering the violation;
- Allows the violator twenty business days to correct the violation;
- If a violation is a first violation that has not been corrected within twenty days, allows the Department to assess a financial penalty;
- Prohibits the assessment of additional financial penalties for any associated violation after the violation has been corrected;
- Exempts the Department from any action that is inconsistent with any federal law or regulation.

Joint Budget Committee Staff and Legislative Council Fiscal Note Staff agree that this amendment does not change the bill's fiscal impact.

Since amendment L.007 strikes the two previous committee reports and the original bill, an appropriations amendment to L.007 is required. Staff has prepared amendment **J.002** which provides the same appropriations as J.001 (see Amendments/Appropriation Status section).

If amendment L.007 is adopted, J.002 should be adopted and J.001 should not be adopted.

Points to Consider

None.