

Michigan Chamber of Commerce Says House-Passed Trash Tax Bill is Unconstitutional and is a \$150 Million Tax Increase on Working Families and Job Providers

The Michigan Chamber of Commerce today seriously questioned State House Democratic lawmakers who late last night voted to discharge and approve (by a vote of 56-54) House Bill 4221, a bill that would impose a \$150 million trash tax on working families and job providers.

"House Democrats promised when they took control of the State House that the legislative process would be open and would allow for public hearings on important public policy issues. Unfortunately, yesterday, they broke this promise," said Rich Studley, Executive Vice President of the Michigan Chamber of Commerce. "In the dark of night this bill was discharged from committee without public notice or testimony and was hastily approved."

"If House leaders had taken time to allow public testimony, they would have learned that HB 4221 violates the Michigan constitution as well as the U.S. constitution and international trade agreements," noted Doug Roberts, Jr., Director of Environmental & Energy Policy for the Michigan Chamber.

Legal analysis released today by the Michigan Chamber concludes that a Michigan court will likely strike down House Bill 4221 as an improper disguised tax, or a federal court will likely strike it down as a violation of the U.S. Constitution or an international agreement. The legal analysis was prepared by attorney Arthur Siegal of Jaffe Raitt Heuer & Weiss, PC, Detroit, who is an expert in environmental law and the movement of solid waste. The legal analysis is available on the Michigan Chamber's web site at <http://www.michamber.com/>.

"If this flawed legislation were to become law, the Michigan Chamber and other interested parties would consider legal action to prevent its implementation," added Roberts.

"Michigan job providers and working families were the real losers last night," said Roberts. "This \$150 million tax increase would hit Michigan taxpayers hard. Despite the rhetoric of House Democrats, the vast majority of the trash tax would be paid for by Michigan families and job providers. At a time when Michigan's economy is struggling, our state's families and businesses can't afford another tax increase.

"We urge the Michigan Senate to reject this unconstitutional, job-killing legislation," Roberts concluded.

The Michigan Chamber of Commerce is a statewide business advocacy organization representing over 7,000 employers, trade associations and local chambers of commerce.

First Call Analyst:
FCMN Contact:

SOURCE: Michigan Chamber of Commerce

CONTACT: Doug Roberts, Jr. of Michigan Chamber of Commerce,
+1-517-371-2100

Web site: <http://www.michamber.com/>

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