
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5093 (as reported without amendment)
Sponsor: Representative Kwame Kilpatrick
House Committee: Conservation, Environment and Recreation
Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 148 of the Natural Resources and Environmental Protection Act (NREPA) to specify criminal violations that would not be subject to immunity; specify additional conditions under which civil, administrative, or criminal immunity would not apply; require supporting information of voluntary disclosure; and provide that, in order to receive immunity, a facility conducting an environmental audit would have to notify the Department of Environmental Quality of its plan to conduct the audit.

(Part 148, which was added by Public Act 132 of 1996, provides for environmental audits that are privileged and protected from disclosure; specifies conditions under which environmental audits may or must be disclosed; and provides immunity for violations of the NREPA if a person voluntarily discloses a violation. "Environmental audit" means a voluntary and internal evaluation conducted on one or more facilities or an activity at one or more facilities regulated under State, Federal, regional, or local laws or ordinances, or of environmental management systems or processes related to the facilities or activity or of a specific instance of noncompliance, that is designed to identify historical or current noncompliance and prevent noncompliance or improve compliance with one or more of the laws, or to identify an environmental hazard, contamination, or other adverse environmental condition, or to improve an environmental management system or process.)

The bill is tie-barred to House Bill 5092, which would amend Part 148 of the NREPA to limit the environmental audit privilege.

MCL 324.14809

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no direct fiscal impact on State or local government.

Date Completed: 10-29-97

Fiscal Analyst: G. Cutler